

House Study Bill 287

SENATE/HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON HEALTH AND
HUMAN SERVICES)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations for health and human
2 services and including other related provisions and
3 appropriations, providing penalties, making penalties
4 applicable and providing effective, retroactive, and
5 applicability date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1004JB 83
8 pf/jp/14

PAG LIN

1 1 DIVISION I
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 3 ELDER AFFAIRS
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 5 appropriated from the general fund of the state to the
1 6 department of elder affairs for the fiscal year beginning July
1 7 1, 2009, and ending June 30, 2010, the following amount, or so
1 8 much thereof as is necessary, to be used for the purposes
1 9 designated:
1 10 For aging programs for the department of elder affairs and
1 11 area agencies on aging to provide citizens of Iowa who are 60
1 12 years of age and older with case management for the frail
1 13 elderly only if the monthly cost per client for case
1 14 management for the frail elderly services provided does not
1 15 exceed the amount specified in this section, resident advocate
1 16 committee coordination, employment, and other services which
1 17 may include but are not limited to adult day services, respite
1 18 care, chore services, telephone reassurance, information and
1 19 assistance, and home repair services, and for the construction
1 20 of entrance ramps which make residences accessible to the
1 21 physically handicapped, and for salaries, support,
1 22 administration, maintenance, and miscellaneous purposes, and
1 23 for not more than the following full-time equivalent
1 24 positions:
1 25 \$ 4,958,230
1 26 FTEs 39.50
1 27 1. Funds appropriated in this section may be used to
1 28 supplement federal funds under federal regulations. To
1 29 receive funds appropriated in this section, a local area
1 30 agency on aging shall match the funds with moneys from other
1 31 sources according to rules adopted by the department. Funds
1 32 appropriated in this section may be used for elderly services
1 33 not specifically enumerated in this section only if approved
1 34 by an area agency on aging for provision of the service within
1 35 the area.
2 1 2. a. Of the funds appropriated in this section,
2 2 \$1,385,015 shall be transferred to the department of human
2 3 services in equal amounts on a quarterly basis for
2 4 reimbursement of case management services provided under the
2 5 medical assistance elderly waiver. The department of human
2 6 services shall adopt rules for case management services
2 7 provided under the medical assistance elderly waiver in
2 8 consultation with the department of elder affairs.
2 9 b. The monthly cost per client for case management for the
2 10 frail elderly services provided shall not exceed an average of
2 11 \$70. However, if the department of human services adopts
2 12 administrative rules revising the reimbursement methodology to
2 13 include 15 minute units, 24-hour on-call, and other

2 14 requirements consistent with federal regulations, the \$70
2 15 monthly cap shall be eliminated and replaced with a quarterly
2 16 projection of expenditures and reimbursement revisions
2 17 necessary to maintain expenditures within the amounts budgeted
2 18 under the appropriations made for the fiscal year for the
2 19 medical assistance program.

2 20 c. The department shall review projections for state
2 21 funding expenditures for reimbursement of case management
2 22 services under the medical assistance elderly waiver on a
2 23 quarterly basis and shall determine if an adjustment to the
2 24 medical assistance reimbursement rates are necessary to
2 25 provide reimbursement within the state funding amounts
2 26 budgeted under the appropriations made for the fiscal year for
2 27 the medical assistance program. Any temporary enhanced
2 28 federal financial participation that may become available for
2 29 the medical assistance program during the fiscal year shall
2 30 not be used in projecting the medical assistance elderly
2 31 waiver case management budget. The department shall revise
2 32 such reimbursement rates as necessary to maintain expenditures
2 33 for medical assistance elderly waiver case management services
2 34 within the state funding amounts budgeted under the
2 35 appropriations made for the fiscal year for the medical
3 1 assistance program.

3 2 3. Of the funds appropriated in this section, \$179,961
3 3 shall be transferred to the department of economic development
3 4 for the Iowa commission on volunteer services to be used for
3 5 the retired and senior volunteer program.

3 6 4. The department shall continue the elder abuse
3 7 initiative program established pursuant to section 231.56A.

3 8 5. Of the funds appropriated in this section, \$220,000
3 9 shall be used for continuation of the substitute decision
3 10 maker Act pursuant to chapter 231E.

3 11 HEALTH

3 12 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
3 13 appropriated from the general fund of the state to the
3 14 department of public health for the fiscal year beginning July
3 15 1, 2009, and ending June 30, 2010, the following amounts, or
3 16 so much thereof as is necessary, to be used for the purposes
3 17 designated:

3 18 1. ADDICTIVE DISORDERS

3 19 For reducing the prevalence of use of tobacco, alcohol, and
3 20 other drugs, and treating individuals affected by addictive
3 21 behaviors, including gambling, and for not more than the
3 22 following full-time equivalent positions:

3 23	\$ 28,652,500
3 24	FTEs 19.10

3 25 a. Of the funds appropriated in this subsection,
3 26 \$8,028,214 shall be used for the tobacco use prevention and
3 27 control initiative, including efforts at the state and local
3 28 levels, as provided in chapter 142A.

3 29 (1) The director of public health shall dedicate
3 30 sufficient resources to promote and ensure retailer compliance
3 31 with tobacco laws and ordinances relating to persons under 18
3 32 years of age, and shall prioritize the state's compliance in
3 33 the allocation of available funds to comply with 42 U.S.C. }
3 34 300x=26 and section 453A.2.

3 35 (2) Of the full-time equivalent positions authorized in
4 1 this subsection, 2.00 full-time equivalent positions shall be
4 2 utilized to provide for enforcement of tobacco laws,
4 3 regulations, and ordinances under a chapter 28D agreement
4 4 entered into between the Iowa department of public health and
4 5 the alcoholic beverages division of the department of
4 6 commerce.

4 7 b. Of the funds appropriated in this subsection,
4 8 \$16,552,763 shall be used for substance abuse treatment.

4 9 (1) Of the funds allocated in this lettered paragraph,
4 10 \$993,489 shall be used for the public purpose of a grant
4 11 program to provide substance abuse prevention programming for
4 12 children.

4 13 (a) Of the funds allocated in this subparagraph, \$473,100
4 14 shall be utilized for the public purpose of providing grant
4 15 funding for organizations that provide programming for
4 16 children by utilizing mentors. Programs approved for such
4 17 grants shall be certified or will be certified within six
4 18 months of receiving the grant award by the Iowa commission on
4 19 volunteer services as utilizing the standards for effective
4 20 practice for mentoring programs.

4 21 (b) Of the funds allocated in this subparagraph, \$473,100
4 22 shall be utilized for the public purpose of providing grant
4 23 funding for organizations that provide programming that
4 24 includes youth development and leadership. The programs shall

4 25 also be recognized as being programs that are scientifically
4 26 based with evidence of their effectiveness in reducing
4 27 substance abuse in children.
4 28 (c) The Iowa department of public health shall utilize a
4 29 request for proposals process to implement the grant program.
4 30 (d) All grant recipients shall participate in a program
4 31 evaluation as a requirement for receiving grant funds.
4 32 (e) Of the funds allocated for the grant program, \$47,289
4 33 shall be used to administer substance abuse prevention grants
4 34 and for program evaluations.
4 35 (2) It is the intent of the general assembly that from the
5 1 moneys allocated in this lettered paragraph persons with a
5 2 dual diagnosis of substance abuse and gambling addictions
5 3 shall be given priority in treatment services.
5 4 (3) Of the funds allocated in this lettered paragraph,
5 5 \$4,078,035 shall be used for funding of gambling treatment,
5 6 including administrative costs and to provide programs which
5 7 may include but are not limited to outpatient and follow-up
5 8 treatment for persons affected by problem gambling,
5 9 rehabilitation and residential treatment programs, information
5 10 and referral services, education and preventive services, and
5 11 financial management services. Of the amount allocated in
5 12 this lettered paragraph, up to \$100,000 may be used for the
5 13 licensing of gambling treatment programs as provided in
5 14 section 135.150.
5 15 (4) (a) Notwithstanding any provision to the contrary, to
5 16 standardize the availability, delivery, cost of delivery, and
5 17 accountability of gambling and substance abuse treatment
5 18 services statewide, the department shall continue
5 19 implementation of a process to create a system for delivery of
5 20 the treatment services in accordance with the requirements
5 21 specified in 2008 Iowa Acts, chapter 1187, section 3,
5 22 subsection 4. To ensure the system provides a continuum of
5 23 treatment services that best meets the needs of Iowans, the
5 24 gambling and substance abuse treatment services in an area may
5 25 be provided either by a single agency or by separate agencies
5 26 submitting a joint proposal. The process shall be completed
5 27 by July 1, 2010.
5 28 (b) From the amounts allocated in this lettered paragraph
5 29 and from other funding sources available for gambling and
5 30 substance abuse treatment, the department may use up to
5 31 \$100,000 for administrative costs to continue developing and
5 32 implementing the process in accordance with subparagraph
5 33 division (a).
5 34 c. The bureau of substance abuse prevention and treatment,
5 35 the division of tobacco use prevention and control, and the
6 1 office of gambling treatment and prevention shall develop a
6 2 strategy to coordinate prevention activities across the
6 3 spectrum of addictive disorders in order to maximize
6 4 efficiencies and reduce expenditures while meeting the needs
6 5 of Iowans. The strategy shall be presented to the individuals
6 6 specified in this Act for submission of reports by December
6 7 15, 2009.

6 8 2. HEALTHY CHILDREN AND FAMILIES

6 9 For promoting the optimum health status for children,
6 10 adolescents from birth through 21 years of age, and families,
6 11 and for not more than the following full-time equivalent
6 12 positions:

6 13	\$ 2,249,167
6 14	FTEs 16.50

6 15 a. Of the funds appropriated in this subsection, not more
6 16 than \$570,226 shall be used for the healthy opportunities to
6 17 experience success (HOPES)=healthy families Iowa (HFI) program
6 18 established pursuant to section 135.106. The department shall
6 19 transfer the funding allocated for the HOPES=HFI program to
6 20 the Iowa empowerment board for distribution and shall assist
6 21 the board in managing the contracting for the funding. The
6 22 funding shall be distributed to renew the grants that were
6 23 provided to the grantees that operated the program during the
6 24 fiscal year ending June 30, 2009.

6 25 b. Of the funds appropriated in this subsection, \$292,791
6 26 shall be used to continue to address the healthy mental
6 27 development of children from birth through five years of age
6 28 through local evidence-based strategies that engage both the
6 29 public and private sectors in promoting healthy development,
6 30 prevention, and treatment for children.

6 31 c. Of the funds appropriated in this subsection, \$35,108
6 32 shall be distributed to a statewide dental carrier to provide
6 33 funds to continue the donated dental services program
6 34 patterned after the projects developed by the national
6 35 foundation of dentistry for the handicapped to provide dental

7 1 services to indigent elderly and disabled individuals.
 7 2 3. CHRONIC CONDITIONS
 7 3 For serving individuals identified as having chronic
 7 4 conditions or special health care needs, and for not more than
 7 5 the following full-time equivalent positions:
 7 6 \$ 2,756,236
 7 7 FTEs 10.00
 7 8 a. Of the funds appropriated in this subsection, \$176,542
 7 9 shall be used for grants to individual patients who have
 7 10 phenylketonuria (PKU) to assist with the costs of necessary
 7 11 special foods.
 7 12 b. Of the funds appropriated in this subsection, \$438,018
 7 13 is allocated for continuation of the contracts for resource
 7 14 facilitator services in accordance with section 135.22B,
 7 15 subsection 9, and for brain injury training services and
 7 16 recruiting of service providers to increase the capacity
 7 17 within this state to address the needs of individuals with
 7 18 brain injuries and such individuals' families.
 7 19 c. Of the funds appropriated in this subsection, \$244,579
 7 20 shall be used as additional funding to leverage federal
 7 21 funding through the federal Ryan White Care Act, Title II,
 7 22 AIDS drug assistance program supplemental drug treatment
 7 23 grants.
 7 24 d. Of the funds appropriated in this subsection, \$88,938
 7 25 shall be used for the public purpose of providing a grant to
 7 26 an existing national-affiliated organization to provide
 7 27 education, client-centered programs, and client and family
 7 28 support for people living with epilepsy and their families.
 7 29 4. COMMUNITY CAPACITY
 7 30 For strengthening the health care delivery system at the
 7 31 local level, and for not more than the following full-time
 7 32 equivalent positions:
 7 33 \$ 4,116,847
 7 34 FTEs 28.00
 7 35 a. Of the funds appropriated in this subsection, \$90,000
 8 1 is allocated for a child vision screening program implemented
 8 2 through the university of Iowa hospitals and clinics in
 8 3 collaboration with community empowerment areas.
 8 4 b. Of the funds appropriated in this subsection, \$143,254
 8 5 is allocated for continuation of an initiative implemented at
 8 6 the university of Iowa and \$125,802 is allocated for
 8 7 continuation of an initiative at the state mental health
 8 8 institute at Cherokee to expand and improve the workforce
 8 9 engaged in mental health treatment and services. The
 8 10 initiatives shall receive input from the university of Iowa,
 8 11 the department of human services, the department of public
 8 12 health, and the mental health, mental retardation,
 8 13 developmental disabilities, and brain injury commission to
 8 14 address the focus of the initiatives. The department of human
 8 15 services, the department of public health, and the commission
 8 16 shall receive regular updates concerning the status of the
 8 17 initiatives.
 8 18 c. Of the funds appropriated in this subsection,
 8 19 \$1,054,060 shall be used for the healthy Iowans 2010 plan and
 8 20 of this amount not more than \$484,868 shall be used for
 8 21 essential public health services that promote healthy aging
 8 22 throughout the lifespan, contracted through a formula for
 8 23 local boards of health, to enhance health promotion and
 8 24 disease prevention services.
 8 25 d. Of the funds appropriated in this subsection, \$100,000
 8 26 may be used to further develop and implement at the state
 8 27 level, and pilot at the local level, the Iowa public health
 8 28 standards approved by the department.
 8 29 5. ELDERLY WELLNESS
 8 30 For promotion of healthy aging and optimization of the
 8 31 health of older adults:
 8 32 \$ 8,345,779
 8 33 a. Of the funds appropriated in this subsection,
 8 34 \$2,292,076 shall be used for local public health nursing
 8 35 services.
 9 1 b. Of the funds appropriated in this subsection,
 9 2 \$6,053,703 shall be used for home care aide services.
 9 3 6. ENVIRONMENTAL HAZARDS
 9 4 For reducing the public's exposure to hazards in the
 9 5 environment, primarily chemical hazards, and for not more than
 9 6 the following full-time equivalent positions:
 9 7 \$ 1,000,391
 9 8 FTEs 5.00
 9 9 a. Of the funds appropriated in this subsection, \$601,631
 9 10 shall be used for childhood lead poisoning provisions.
 9 11 b. Of the funds appropriated in this subsection, not more

9 12 than \$262,153 shall be used for the development of scientific
 9 13 and medical expertise in environmental epidemiology.
 9 14 7. INFECTIOUS DISEASES
 9 15 For reducing the incidence and prevalence of communicable
 9 16 diseases, and for not more than the following full-time
 9 17 equivalent positions:
 9 18 \$ 1,630,661
 9 19 FTEs 7.00
 9 20 8. PUBLIC PROTECTION
 9 21 For protecting the health and safety of the public through
 9 22 establishing standards and enforcing regulations, and for not
 9 23 more than the following full-time equivalent positions:
 9 24 \$ 3,569,986
 9 25 FTEs 128.00
 9 26 a. Of the funds appropriated in this subsection, \$955,779
 9 27 shall be credited to the emergency medical services fund
 9 28 created in section 135.25. Moneys in the emergency medical
 9 29 services fund are appropriated to the department to be used
 9 30 for the purposes of the fund.
 9 31 b. Of the funds appropriated in this subsection, \$232,477
 9 32 shall be used for sexual violence prevention programming
 9 33 through a statewide organization representing programs serving
 9 34 victims of sexual violence through the department's sexual
 9 35 violence prevention program. The amount allocated in this
 10 1 lettered paragraph shall not be used to supplant funding
 10 2 administered for other sexual violence prevention or victims
 10 3 assistance programs.
 10 4 c. Of the funds appropriated in this subsection, not more
 10 5 than \$348,244 shall be used for the continuation and support
 10 6 of a coordinated system of delivery of trauma and emergency
 10 7 medical services.
 10 8 d. Of the funds appropriated in this subsection, not more
 10 9 than \$539,467 shall be used for the state poison control
 10 10 center.
 10 11 9. RESOURCE MANAGEMENT
 10 12 For establishing and sustaining the overall ability of the
 10 13 department to deliver services to the public, and for not more
 10 14 than the following full-time equivalent positions:
 10 15 \$ 1,062,517
 10 16 FTEs 10.00
 10 17 The university of Iowa hospitals and clinics under the
 10 18 control of the state board of regents shall not receive
 10 19 indirect costs from the funds appropriated in this section.
 10 20 The university of Iowa hospitals and clinics billings to the
 10 21 department shall be on at least a quarterly basis.
 10 22 DEPARTMENT OF VETERANS AFFAIRS
 10 23 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
 10 24 appropriated from the general fund of the state to the
 10 25 department of veterans affairs for the fiscal year beginning
 10 26 July 1, 2009, and ending June 30, 2010, the following amounts,
 10 27 or so much thereof as is necessary, to be used for the
 10 28 purposes designated:
 10 29 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
 10 30 For salaries, support, maintenance, and miscellaneous
 10 31 purposes, including the war orphans educational assistance
 10 32 fund created in section 35.8, and for not more than the
 10 33 following full-time equivalent positions:
 10 34 \$ 1,067,170
 10 35 FTEs 17.20
 11 1 2. IOWA VETERANS HOME
 11 2 For salaries, support, maintenance, and miscellaneous
 11 3 purposes:
 11 4 \$ 11,326,650
 11 5 a. The Iowa veterans home billings involving the
 11 6 department of human services shall be submitted to the
 11 7 department on at least a monthly basis.
 11 8 b. If there is a change in the employer of employees
 11 9 providing services at the Iowa veterans home under a
 11 10 collective bargaining agreement, such employees and the
 11 11 agreement shall be continued by the successor employer as
 11 12 though there had not been a change in employer.
 11 13 c. Commencing with the fiscal year beginning July 1, 2009,
 11 14 the Iowa veterans home shall revise the payment and exemption
 11 15 amounts for residents participating in the incentive therapy
 11 16 program in accordance with all of the following:
 11 17 (1) The incentive payment amount for domiciliary level of
 11 18 care residents shall be \$150 per month and for nursing level
 11 19 of care residents shall be \$75 per month.
 11 20 (2) The amounts paid under the program that are exempt
 11 21 from computation of resident support shall be increased to
 11 22 reflect the increases in the incentive payments in accordance

11 23 with subparagraph (1).
 11 24 3. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
 11 25 VETERANS
 11 26 For provision of educational assistance pursuant to section
 11 27 35.9:
 11 28 \$ 22,944
 11 29 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS
 11 30 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
 11 31 standing appropriation in the following designated section for
 11 32 the fiscal year beginning July 1, 2009, and ending June 30,
 11 33 2010, the amounts appropriated from the general fund of the
 11 34 state pursuant to that section for the following designated
 11 35 purposes shall not exceed the following amount:
 12 1 For the county commissions of veterans affairs fund under
 12 2 section 35A.16:
 12 3 \$ 1,000,000
 12 4 HUMAN SERVICES
 12 5 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 12 6 GRANT. There is appropriated from the fund created in section
 12 7 8.41 to the department of human services for the fiscal year
 12 8 beginning July 1, 2009, and ending June 30, 2010, from moneys
 12 9 received under the federal temporary assistance for needy
 12 10 families (TANF) block grant pursuant to the federal Personal
 12 11 Responsibility and Work Opportunity Reconciliation Act of
 12 12 1996, Pub. L. No. 104-193, and successor legislation, which
 12 13 are federally appropriated for the federal fiscal years
 12 14 beginning October 1, 2008, and ending September 30, 2009, and
 12 15 beginning October 1, 2009, and ending September 30, 2010, the
 12 16 following amounts, or so much thereof as is necessary, to be
 12 17 used for the purposes designated:
 12 18 1. To be credited to the family investment program account
 12 19 and used for assistance under the family investment program
 12 20 under chapter 239B:
 12 21 \$ 26,106,513
 12 22 2. To be credited to the family investment program account
 12 23 and used for the job opportunities and basic skills (JOBS)
 12 24 program and implementing family investment agreements in
 12 25 accordance with chapter 239B:
 12 26 \$ 13,084,528
 12 27 Notwithstanding section 8.33, not more than 5 percent of
 12 28 the moneys designated in this subsection that are allocated by
 12 29 the department for contracted services, other than family
 12 30 self-sufficiency grant services allocated under this
 12 31 subsection, that remain unencumbered or unobligated at the
 12 32 close of the fiscal year shall not revert but shall remain
 12 33 available for expenditure for the purposes designated until
 12 34 the close of the succeeding fiscal year. However, unless such
 12 35 moneys are encumbered or obligated on or before September 30,
 13 1 2010, the moneys shall revert.
 13 2 3. To be used for the family development and
 13 3 self-sufficiency grant program in accordance with section
 13 4 216A.107:
 13 5 \$ 2,998,675
 13 6 Notwithstanding section 8.33, moneys appropriated in this
 13 7 subsection that remain unencumbered or unobligated at the
 13 8 close of the fiscal year shall not revert but shall remain
 13 9 available for expenditure for the purposes designated until
 13 10 the close of the succeeding fiscal year. However, unless such
 13 11 moneys are encumbered or obligated on or before September 30,
 13 12 2010, the moneys shall revert.
 13 13 4. For field operations:
 13 14 \$ 18,507,495
 13 15 5. For general administration:
 13 16 \$ 3,744,000
 13 17 6. For local administrative costs:
 13 18 \$ 2,189,830
 13 19 7. For state child care assistance:
 13 20 \$ 18,986,177
 13 21 a. Of the funds appropriated in this subsection,
 13 22 \$18,986,177 shall be transferred to the child care and
 13 23 development block grant appropriation made by the Eighty-third
 13 24 General Assembly, 2009 Session, for the federal fiscal year
 13 25 beginning October 1, 2009, and ending September 30, 2010. Of
 13 26 this amount, \$200,000 shall be used for provision of
 13 27 educational opportunities to registered child care home
 13 28 providers in order to improve services and programs offered by
 13 29 this category of providers and to increase the number of
 13 30 providers. The department may contract with institutions of
 13 31 higher education or child care resource and referral centers
 13 32 to provide the educational opportunities. Allowable
 13 33 administrative costs under the contracts shall not exceed 5

13 34 percent. The application for a grant shall not exceed two
 13 35 pages in length.

14 1 b. Any funds appropriated in this subsection remaining
 14 2 unallocated shall be used for state child care assistance
 14 3 payments for individuals enrolled in the family investment
 14 4 program who are employed.

14 5 8. For mental health and developmental disabilities
 14 6 community services:

14 7 \$ 4,894,052

14 8 9. For child and family services:

14 9 \$ 32,084,430

14 10 10. For child abuse prevention grants:

14 11 \$ 250,000

14 12 11. For pregnancy prevention grants on the condition that
 14 13 family planning services are funded:

14 14 \$ 1,930,067

14 15 Pregnancy prevention grants shall be awarded to programs in
 14 16 existence on or before July 1, 2009, if the programs are
 14 17 comprehensive in scope and have demonstrated positive
 14 18 outcomes. Grants shall be awarded to pregnancy prevention
 14 19 programs which are developed after July 1, 2009, if the
 14 20 programs are comprehensive in scope and are based on existing
 14 21 models that have demonstrated positive outcomes. Grants shall
 14 22 comply with the requirements provided in 1997 Iowa Acts,
 14 23 chapter 208, section 14, subsections 1 and 2, including the
 14 24 requirement that grant programs must emphasize sexual
 14 25 abstinence. Priority in the awarding of grants shall be given
 14 26 to programs that serve areas of the state which demonstrate
 14 27 the highest percentage of unplanned pregnancies of females of
 14 28 childbearing age within the geographic area to be served by
 14 29 the grant.

14 30 12. For technology needs and other resources necessary to
 14 31 meet federal welfare reform reporting, tracking, and case
 14 32 management requirements:

14 33 \$ 1,037,186

14 34 13. For the healthy opportunities for parents to
 14 35 experience success (HOPES) program administered by the
 15 1 department of public health to target child abuse prevention:

15 2 \$ 200,000

15 3 14. To be credited to the state child care assistance
 15 4 appropriation made in this section to be used for funding of
 15 5 community-based early childhood programs targeted to children
 15 6 from birth through five years of age developed by community
 15 7 empowerment areas as provided in section 28.9:

15 8 \$ 7,350,000

15 9 a. The department shall transfer TANF block grant funding
 15 10 appropriated and allocated in this subsection to the child
 15 11 care and development block grant appropriation in accordance
 15 12 with federal law as necessary to comply with the provisions of
 15 13 this subsection.

15 14 b. Of the amounts appropriated in this section,
 15 15 \$12,962,008 for the fiscal year beginning July 1, 2009, shall
 15 16 be transferred to the appropriation of the federal social
 15 17 services block grant made for that fiscal year.

15 18 c. The department may transfer funds allocated in this
 15 19 section to the appropriations made in this Act for general
 15 20 administration and field operations for resources necessary to
 15 21 implement and operate the services referred to in this section
 15 22 and those funded in the appropriation made in this division of
 15 23 this Act for the family investment program from the general
 15 24 fund of the state.

15 25 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

15 26 1. Moneys credited to the family investment program (FIP)
 15 27 account for the fiscal year beginning July 1, 2009, and ending
 15 28 June 30, 2010, shall be used to provide assistance in
 15 29 accordance with chapter 239B.

15 30 2. The department may use a portion of the moneys credited
 15 31 to the FIP account under this section as necessary for
 15 32 salaries, support, maintenance, and miscellaneous purposes.

15 33 3. The department may transfer funds allocated in this
 15 34 section to the appropriations in this Act for general
 15 35 administration and field operations for resources necessary to
 16 1 implement and operate the services referred to in this section
 16 2 and those funded in the appropriation made in this division of
 16 3 this Act for the family investment program from the general
 16 4 fund of the state.

16 5 4. Moneys appropriated in this division of this Act and
 16 6 credited to the FIP account for the fiscal year beginning July
 16 7 1, 2009, and ending June 30, 2010, are allocated as follows:

16 8 a. To be retained by the department of human services to
 16 9 be used for coordinating with the department of human rights

16 10 to more effectively serve participants in the FIP program and
16 11 other shared clients and to meet federal reporting
16 12 requirements under the federal temporary assistance for needy
16 13 families block grant:
16 14 \$ 20,000
16 15 b. To the department of human rights for staffing,
16 16 administration, and implementation of the family development
16 17 and self=sufficiency grant program in accordance with section
16 18 216A.107:
16 19 \$ 5,378,812
16 20 (1) Of the funds allocated for the family development and
16 21 self=sufficiency grant program in this lettered paragraph, not
16 22 more than 5 percent of the funds shall be used for the
16 23 administration of the grant program.
16 24 (2) The department of human rights may continue to
16 25 implement the family development and self=sufficiency grant
16 26 program statewide during fiscal year 2009=2010.
16 27 c. For the diversion subaccount of the FIP account:
16 28 \$ 1,814,000
16 29 A portion of the moneys allocated for the subaccount may be
16 30 used for field operations salaries, data management system
16 31 development, and implementation costs and support deemed
16 32 necessary by the director of human services in order to
16 33 administer the FIP diversion program.
16 34 d. For the food stamp employment and training program:
16 35 \$ 68,059
17 1 The department shall amend the food stamp employment and
17 2 training state plan in order to maximize to the fullest extent
17 3 permitted by federal law the use of the fifty=fifty match
17 4 provisions for the claiming of allowable federal matching
17 5 funds from the United States department of agriculture
17 6 pursuant to the federal food stamp employment and training
17 7 program for providing education, employment, and training
17 8 services for eligible food assistance program participants,
17 9 including but not limited to related dependent care and
17 10 transportation expenses.
17 11 e. For the JOBS program:
17 12 \$ 22,310,116
17 13 5. Of the child support collections assigned under FIP, an
17 14 amount equal to the federal share of support collections shall
17 15 be credited to the child support recovery appropriation made
17 16 in this division of this Act. Of the remainder of the
17 17 assigned child support collections received by the child
17 18 support recovery unit, a portion shall be credited to the FIP
17 19 account, a portion may be used to increase recoveries, and a
17 20 portion may be used to sustain cash flow in the child support
17 21 payments account. If as a consequence of the appropriations
17 22 and allocations made in this section the resulting amounts are
17 23 insufficient to sustain cash assistance payments and meet
17 24 federal maintenance of effort requirements, the department
17 25 shall seek supplemental funding. If child support collections
17 26 assigned under FIP are greater than estimated or are otherwise
17 27 determined not to be required for maintenance of effort, the
17 28 state share of either amount may be transferred to or retained
17 29 in the child support payment account.
17 30 6. The department may adopt emergency rules for the family
17 31 investment, JOBS, family development and self=sufficiency
17 32 grant, food stamp, and medical assistance programs if
17 33 necessary to comply with federal requirements.
17 34 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
17 35 appropriated from the general fund of the state to the
18 1 department of human services for the fiscal year beginning
18 2 July 1, 2009, and ending June 30, 2010, the following amount,
18 3 or so much thereof as is necessary, to be used for the purpose
18 4 designated:
18 5 To be credited to the family investment program (FIP)
18 6 account and used for family investment program assistance
18 7 under chapter 239B:
18 8 \$ 34,342,700
18 9 1. Of the funds appropriated in this section, \$8,975,588
18 10 is allocated for the JOBS program.
18 11 2. Of the funds appropriated in this section, \$2,380,137
18 12 is allocated for the family development and self=sufficiency
18 13 grant program.
18 14 3. a. Of the funds appropriated in this section, \$230,244
18 15 shall be used for continuation of a grant to an Iowa=based
18 16 nonprofit organization with a history of providing tax
18 17 preparation assistance to low=income Iowans in order to expand
18 18 the usage of the earned income tax credit. The purpose of the
18 19 grant is to supply this assistance to underserved areas of the
18 20 state. The grant shall be provided to an organization that

18 21 has existing national foundation support for supplying such
18 22 assistance that can also secure local charitable match
18 23 funding.

18 24 b. The general assembly supports efforts by the
18 25 organization receiving funding under this subsection to create
18 26 a statewide earned income tax credit and asset-building
18 27 coalition to achieve both of the following purposes:

18 28 (1) Expanding the usage of the tax credit through new and
18 29 enhanced outreach and marketing strategies, as well as
18 30 identifying new local sites and human and financial resources.

18 31 (2) Assessing and recommending various strategies for
18 32 Iowans to develop assets through savings, individual
18 33 development accounts, financial literacy, antipredatory
18 34 lending initiatives, informed home ownership, use of various
18 35 forms of support for work, and microenterprise business

19 1 development targeted to persons who are self-employed or have
19 2 fewer than five employees.

19 3 4. Notwithstanding section 8.39, for the fiscal year
19 4 beginning July 1, 2009, if necessary to meet federal
19 5 maintenance of effort requirements or to transfer federal
19 6 temporary assistance for needy families block grant funding to
19 7 be used for purposes of the federal social services block
19 8 grant or to meet cash flow needs resulting from delays in
19 9 receiving federal funding or to implement, in accordance with
19 10 this division of this Act, activities currently funded with
19 11 juvenile court services, county, or community moneys and state
19 12 moneys used in combination with such moneys, the department of
19 13 human services may transfer funds within or between any of the
19 14 appropriations made in this division of this Act and
19 15 appropriations in law for the federal social services block
19 16 grant to the department for the following purposes, provided
19 17 that the combined amount of state and federal temporary
19 18 assistance for needy families block grant funding for each
19 19 appropriation remains the same before and after the transfer:

19 20 a. For the family investment program.
19 21 b. For child care assistance.
19 22 c. For child and family services.
19 23 d. For field operations.
19 24 e. For general administration.
19 25 f. MH/MR/DD/BI community services (local purchase).

19 26 This subsection shall not be construed to prohibit the use
19 27 of existing state transfer authority for other purposes. The
19 28 department shall report any transfers made pursuant to this
19 29 subsection to the legislative services agency.

19 30 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
19 31 from the general fund of the state to the department of human
19 32 services for the fiscal year beginning July 1, 2009, and
19 33 ending June 30, 2010, the following amount, or so much thereof
19 34 as is necessary, to be used for the purposes designated:

19 35 For child support recovery, including salaries, support,
20 1 maintenance, and miscellaneous purposes, and for not more than
20 2 the following full-time equivalent positions:

20 3	\$ 13,420,460
20 4 FTEs	520.00

20 5 1. The department shall expend up to \$27,032, including
20 6 federal financial participation, for the fiscal year beginning
20 7 July 1, 2009, for a child support public awareness campaign.
20 8 The department and the office of the attorney general shall
20 9 cooperate in continuation of the campaign. The public
20 10 awareness campaign shall emphasize, through a variety of media
20 11 activities, the importance of maximum involvement of both
20 12 parents in the lives of their children as well as the
20 13 importance of payment of child support obligations.

20 14 2. Federal access and visitation grant moneys shall be
20 15 issued directly to private not-for-profit agencies that
20 16 provide services designed to increase compliance with the
20 17 child access provisions of court orders, including but not
20 18 limited to neutral visitation sites and mediation services.

20 19 3. The appropriation made to the department for child
20 20 support recovery may be used throughout the fiscal year in the
20 21 manner necessary for purposes of cash flow management, and for
20 22 cash flow management purposes the department may temporarily
20 23 draw more than the amount appropriated, provided the amount
20 24 appropriated is not exceeded at the close of the fiscal year.

20 25 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
20 26 the general fund of the state to the department of human
20 27 services for the fiscal year beginning July 1, 2009, and
20 28 ending June 30, 2010, the following amount, or so much thereof
20 29 as is necessary, to be used for the purpose designated:

20 30 For medical assistance reimbursement and associated costs
20 31 as specifically provided in the reimbursement methodologies in

20 32 effect on June 30, 2009, except as otherwise expressly
20 33 authorized by law, including reimbursement for abortion
20 34 services which shall be available under the medical assistance
20 35 program only for those abortions which are medically
21 1 necessary:
21 2 \$678,038,847
21 3 1. Medically necessary abortions are those performed under
21 4 any of the following conditions:
21 5 a. The attending physician certifies that continuing the
21 6 pregnancy would endanger the life of the pregnant woman.
21 7 b. The attending physician certifies that the fetus is
21 8 physically deformed, mentally deficient, or afflicted with a
21 9 congenital illness.
21 10 c. The pregnancy is the result of a rape which is reported
21 11 within 45 days of the incident to a law enforcement agency or
21 12 public or private health agency which may include a family
21 13 physician.
21 14 d. The pregnancy is the result of incest which is reported
21 15 within 150 days of the incident to a law enforcement agency or
21 16 public or private health agency which may include a family
21 17 physician.
21 18 e. Any spontaneous abortion, commonly known as a
21 19 miscarriage, if not all of the products of conception are
21 20 expelled.
21 21 2. The department shall utilize not more than \$60,000 of
21 22 the funds appropriated in this section to continue the
21 23 AIDS/HIV health insurance premium payment program as
21 24 established in 1992 Iowa Acts, Second Extraordinary Session,
21 25 chapter 1001, section 409, subsection 6. Of the funds
21 26 allocated in this subsection, not more than \$5,000 may be
21 27 expended for administrative purposes.
21 28 3. Of the funds appropriated in this Act to the department
21 29 of public health for addictive disorders, \$950,000 for the
21 30 fiscal year beginning July 1, 2009, shall be transferred to
21 31 the department of human services for an integrated substance
21 32 abuse managed care system. The department shall not assume
21 33 management of the substance abuse system in place of the
21 34 managed care contractor unless such a change in approach is
21 35 specifically authorized in law. The departments of human
22 1 services and public health shall work together to maintain the
22 2 level of mental health and substance abuse services provided
22 3 by the managed care contractor through the Iowa plan for
22 4 behavioral health. Each department shall take the steps
22 5 necessary to continue the federal waivers as necessary to
22 6 maintain the level of services.
22 7 4. a. The department shall aggressively pursue options
22 8 for providing medical assistance or other assistance to
22 9 individuals with special needs who become ineligible to
22 10 continue receiving services under the early and periodic
22 11 screening, diagnosis, and treatment program under the medical
22 12 assistance program due to becoming 21 years of age who have
22 13 been approved for additional assistance through the
22 14 department's exception to policy provisions, but who have
22 15 health care needs in excess of the funding available through
22 16 the exception to policy provisions.
22 17 b. Of the funds appropriated in this section, \$100,000
22 18 shall be used for participation in one or more pilot projects
22 19 operated by a private provider to allow the individual or
22 20 individuals to receive service in the community in accordance
22 21 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
22 22 (1999), for the purpose of providing medical assistance or
22 23 other assistance to individuals with special needs who become
22 24 ineligible to continue receiving services under the early and
22 25 periodic screening, diagnosis, and treatment program under the
22 26 medical assistance program due to becoming 21 years of age who
22 27 have been approved for additional assistance through the
22 28 department's exception to policy provisions, but who have
22 29 health care needs in excess of the funding available through
22 30 the exception to the policy provisions.
22 31 5. Of the funds appropriated in this section, up to
22 32 \$3,050,082 may be transferred to the field operations or
22 33 general administration appropriations in this Act for
22 34 operational costs associated with Part D of the federal
22 35 Medicare Prescription Drug, Improvement, and Modernization Act
23 1 of 2003, Pub. L. No. 108-173.
23 2 6. Of the funds appropriated in this section, not more
23 3 than \$166,600 shall be used to enhance outreach efforts. The
23 4 department may transfer funds allocated in this subsection to
23 5 the appropriations in this division of this Act for general
23 6 administration, the state children's health insurance program,
23 7 or medical contracts, as necessary, to implement the outreach

23 8 efforts.

23 9 7. Of the funds appropriated in this section, up to
23 10 \$442,100 may be transferred to the appropriation in this Act
23 11 for medical contracts to be used for clinical assessment
23 12 services related to remedial services in accordance with
23 13 federal law.

23 14 8. A portion of the funds appropriated in this section may
23 15 be transferred to the appropriations in this division of this
23 16 Act for general administration, medical contracts, the state
23 17 children's health insurance program, or field operations to be
23 18 used for the state match cost to comply with the payment error
23 19 rate measurement (PERM) program for both the medical
23 20 assistance and state children's health insurance programs as
23 21 developed by the centers for Medicare and Medicaid services of
23 22 the United States department of health and human services to
23 23 comply with the federal Improper Payments Information Act of
23 24 2002, Pub. L. No. 107=300.

23 25 9. It is the intent of the general assembly that the
23 26 department continue to implement the recommendations of the
23 27 assuring better child health and development initiative II
23 28 (ABCDII) clinical panel to the Iowa early and periodic
23 29 screening, diagnostic, and treatment services healthy mental
23 30 development collaborative board regarding changes to billing
23 31 procedures, codes, and eligible service providers.

23 32 10. Of the funds appropriated in this section, a
23 33 sufficient amount is allocated to supplement the incomes of
23 34 residents of nursing facilities, intermediate care facilities
23 35 for persons with mental illness, and intermediate care
24 1 facilities for persons with mental retardation, with incomes
24 2 of less than \$50 in the amount necessary for the residents to
24 3 receive a personal needs allowance of \$50 per month pursuant
24 4 to section 249A.30A.

24 5 11. Of the funds appropriated in this section, the
24 6 following amounts shall be transferred to appropriations made
24 7 in this division of this Act to the state mental health
24 8 institutes:

24 9 a. Cherokee mental health institute \$ 9,098,425
24 10 b. Clarinda mental health institute \$ 1,977,305
24 11 c. Independence mental health institute \$ 9,045,894
24 12 d. Mount Pleasant mental health institute \$ 5,752,587

24 13 12. a. Of the funds appropriated in this section,
24 14 \$3,687,889 is allocated for state match for disproportionate
24 15 share hospital payment of \$7,321,954 to hospitals that meet
24 16 both of the following conditions:

24 17 (1) The hospital qualifies for disproportionate share and
24 18 graduate medical education payments.

24 19 (2) The hospital is an Iowa state-owned hospital with more
24 20 than 500 beds and eight or more distinct residency specialty
24 21 or subspecialty programs recognized by the American college of
24 22 graduate medical education.

24 23 b. Distribution of the disproportionate share payment
24 24 shall be made on a monthly basis. The total amount of
24 25 disproportionate share payments including graduate medical
24 26 education, enhanced disproportionate share, and Iowa
24 27 state-owned teaching hospital payments shall not exceed the
24 28 amount of the state's allotment under Pub. L. No. 102=234. In
24 29 addition, the total amount of all disproportionate share
24 30 payments shall not exceed the hospital-specific
24 31 disproportionate share limits under Pub. L. No. 103=66.

24 32 13. Of the funds appropriated in this section, \$4,634,065
24 33 is transferred to the IowaCare account created in section
24 34 249J.24.

24 35 14. Of the funds appropriated in this section, \$200,000
25 1 shall be used for the Iowa chronic care consortium pursuant to
25 2 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
25 3 Iowa Acts, chapter 179, sections 166 and 167.

25 4 15. One hundred percent of the nonfederal share of
25 5 payments to area education agencies that are medical
25 6 assistance providers for medical assistance-covered services
25 7 provided to medical assistance-covered children, shall be made
25 8 from the appropriation made in this section.

25 9 16. a. Any new or renewed contract entered into by the
25 10 department with a third party to administer behavioral health
25 11 services under the medical assistance program shall provide
25 12 that any interest earned on payments from the state during the
25 13 state fiscal year shall be remitted to the department for
25 14 deposit in a separate account after the end of the fiscal
25 15 year.

25 16 b. The department shall continue to maintain a separate
25 17 account within the medical assistance budget for the deposit
25 18 of all funds remitted pursuant to a contract with a third

party to administer behavioral health services under the medical assistance program established pursuant to 2008 Iowa Acts 1187, section 9, subsection 20. Notwithstanding section 8.33, funds remaining in the account that remain unencumbered or unobligated at the end of any fiscal year shall not revert but shall remain available in succeeding fiscal years and shall be used only in accordance with appropriations from the account for health and human services-related purposes.

17. The department shall continue to implement the provisions in 2007 Iowa Acts, chapter 218, section 124 and section 126, as amended by 2008 Iowa Acts, chapter 1188, section 55, relating to eligibility for certain persons with disabilities under the medical assistance program in accordance with the federal family opportunity Act.

18. The department shall add behavior programming, crisis intervention, and mental health outreach services to the home and community-based services mental retardation waiver in order to continue necessary home and community-based services for persons transitioning into the community under the money follows the person grant program.

19. It is the intent of the general assembly that the Iowa autism council established in section 256.35A shall work with the department of human services to review the option of implementing a home and community-based services waiver for individuals up to 21 years of age with autism under the medical assistance program. The council shall present final recommendations to the general assembly by January 15, 2010.

20. The department shall issue a request for proposals to implement a correct coding initiative for the medical assistance program to promote correct coding of health care services by providers, to evaluate claims submissions, and to prevent improper payment. The department may use a portion of any savings projected to result from the initiative for one-time implementation costs and for on-going costs of the contract to the extent that savings exceed costs of the initiative.

21. The department shall request a medical assistance state plan amendment to be effective July 1, 2010, that specifies the coverage criteria for applied behavioral analysis therapy in the remedial services program. Such coverage criteria shall be based on the best practices in medical literature that have been documented to achieve results.

22. The department may issue a request for proposals to implement a transportation brokerage system for administering medical assistance program medical transportation payments and client referrals. Any request for proposals shall be structured to be budget neutral to the state.

Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:	\$ 508,011
..... FTEs	19.00

Sec. 11. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 13,651,503
..... FTEs	6.00

Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

.....	\$ 18,412,646
-------	---------------

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental

27 30 security income and federal social security benefits are
27 31 increased due to a recognized increase in the cost of living.
27 32 The department may adopt emergency rules to implement this
27 33 subsection.

27 34 3. If during the fiscal year beginning July 1, 2009, the
27 35 department projects that state supplementary assistance
28 1 expenditures for a calendar year will not meet the federal
28 2 pass-through requirement specified in Title XVI of the federal
28 3 Social Security Act, section 1618, as codified in 42 U.S.C. }
28 4 1382g, the department may take actions including but not
28 5 limited to increasing the personal needs allowance for
28 6 residential care facility residents and making programmatic
28 7 adjustments or upward adjustments of the residential care
28 8 facility or in-home health-related care reimbursement rates
28 9 prescribed in this division of this Act to ensure that federal
28 10 requirements are met. In addition, the department may make
28 11 other programmatic and rate adjustments necessary to remain
28 12 within the amount appropriated in this section while ensuring
28 13 compliance with federal requirements. The department may
28 14 adopt emergency rules to implement the provisions of this
28 15 subsection.

28 16 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

28 17 1. There is appropriated from the general fund of the
28 18 state to the department of human services for the fiscal year
28 19 beginning July 1, 2009, and ending June 30, 2010, the
28 20 following amount, or so much thereof as is necessary, to be
28 21 used for the purpose designated:

28 22 For maintenance of the healthy and well kids in Iowa (hawk=
28 23 i) program pursuant to chapter 514I for receipt of federal
28 24 financial participation under Title XXI of the federal Social
28 25 Security Act, which creates the state children's health
28 26 insurance program:
28 27 \$ 14,629,830

28 28 2. Of the funds appropriated in this section, \$128,950 is
28 29 allocated for continuation of the contract for advertising and
28 30 outreach with the department of public health and \$90,050 is
28 31 allocated for other advertising and outreach.

28 32 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
28 33 from the general fund of the state to the department of human
28 34 services for the fiscal year beginning July 1, 2009, and
28 35 ending June 30, 2010, the following amount, or so much thereof
29 1 as is necessary, to be used for the purpose designated:

29 2 For child care programs:
29 3 \$ 37,799,472

29 4 1. Of the funds appropriated in this section, \$34,365,770
29 5 shall be used for state child care assistance in accordance
29 6 with section 237A.13. It is the intent of the general
29 7 assembly to appropriate sufficient funding for the state child
29 8 care assistance program for the fiscal year beginning July 1,
29 9 2010, in order to avoid establishment of waiting list
29 10 requirements by the department in the preceding fiscal year in
29 11 anticipation that enhanced funding under the federal American
29 12 Recovery and Reinvestment Act of 2009 will not be replaced for
29 13 the fiscal year beginning July 1, 2009.

29 14 2. Nothing in this section shall be construed or is
29 15 intended as or shall imply a grant of entitlement for services
29 16 to persons who are eligible for assistance due to an income
29 17 level consistent with the waiting list requirements of section
29 18 237A.13. Any state obligation to provide services pursuant to
29 19 this section is limited to the extent of the funds
29 20 appropriated in this section.

29 21 3. Of the funds appropriated in this section, \$480,453 is
29 22 allocated for the statewide program for child care resource
29 23 and referral services under section 237A.26. A list of the
29 24 registered and licensed child care facilities operating in the
29 25 area served by a child care resource and referral service
29 26 shall be made available to the families receiving state child
29 27 care assistance in that area.

29 28 4. a. Of the funds appropriated in this section,
29 29 \$1,536,181 is allocated for child care quality improvement
29 30 initiatives including but not limited to the voluntary quality
29 31 rating system in accordance with section 237A.30.

29 32 b. The department shall revise the achievement bonus
29 33 provisions under the initiative to provide that unless the
29 34 initiative requires a provider to take additional actions to
29 35 maintain a rating, the bonus amount paid for the provider
30 1 maintaining a rating in years subsequent to the initial rating
30 2 award shall not be more than 50 percent of the amount of the
30 3 initial bonus award.

30 4 5. The department may use any of the funds appropriated in
30 5 this section as a match to obtain federal funds for use in

30 6 expanding child care assistance and related programs. For the
30 7 purpose of expenditures of state and federal child care
30 8 funding, funds shall be considered obligated at the time
30 9 expenditures are projected or are allocated to the
30 10 department's service areas. Projections shall be based on
30 11 current and projected caseload growth, current and projected
30 12 provider rates, staffing requirements for eligibility
30 13 determination and management of program requirements including
30 14 data systems management, staffing requirements for
30 15 administration of the program, contractual and grant
30 16 obligations and any transfers to other state agencies, and
30 17 obligations for decategorization or innovation projects.

30 18 6. A portion of the state match for the federal child care
30 19 and development block grant shall be provided as necessary to
30 20 meet federal matching funds requirements through the state
30 21 general fund appropriation made for child development grants
30 22 and other programs for at-risk children in section 279.51.

30 23 7. Of the funds appropriated in this section, \$1,097,084
30 24 is transferred to the Iowa empowerment fund from which it is
30 25 appropriated to be used for professional development for the
30 26 system of early care, health, and education.

30 27 8. Of the funds appropriated in this section, \$175,000
30 28 shall be allocated to a county with a population of more than
30 29 300,000 to be used for continuation of a grant to support
30 30 child care center services provided to children with mental,
30 31 physical, or emotional challenges in order for the children to
30 32 remain in a home or family setting.

30 33 9. Of the amount allocated in subsection 1, \$93,000 shall
30 34 be used for the public purpose of providing a grant to a
30 35 neighborhood affordable housing and services organization
31 1 established in a county with a population of more than
31 2 350,000, that provides at least 300 apartment units to house
31 3 more than 1,000 residents, of which more than 80 percent
31 4 belong to a minority population and at least 95 percent are
31 5 headed by a single parent and have an income below federal
31 6 poverty guidelines, to be used for child development
31 7 programming for children residing in the housing.

31 8 10. Notwithstanding section 8.33, moneys appropriated in
31 9 this section or received from the federal appropriations made
31 10 for the purposes of this section that remain unencumbered or
31 11 unobligated at the close of the fiscal year shall not revert
31 12 to any fund but shall remain available for expenditure for the
31 13 purposes designated until the close of the succeeding fiscal
31 14 year.

31 15 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
31 16 from the general fund of the state to the department of human
31 17 services for the fiscal year beginning July 1, 2009, and
31 18 ending June 30, 2010, the following amounts, or so much
31 19 thereof as is necessary, to be used for the purposes
31 20 designated:

31 21 1. For operation of the Iowa juvenile home at Toledo and
31 22 for salaries, support, and maintenance, and for not more than
31 23 the following full-time equivalent positions:
31 24 \$ 6,754,759
31 25 FTEs 125.00

31 26 2. For operation of the state training school at Eldora
31 27 and for salaries, support, and maintenance, and for not more
31 28 than the following full-time equivalent positions:
31 29 \$ 10,717,787
31 30 FTEs 202.70

31 31 3. A portion of the moneys appropriated in this section
31 32 shall be used by the state training school and by the Iowa
31 33 juvenile home for grants for adolescent pregnancy prevention
31 34 activities at the institutions in the fiscal year beginning
31 35 July 1, 2009.

32 1 Sec. 16. CHILD AND FAMILY SERVICES.

32 2 1. There is appropriated from the general fund of the
32 3 state to the department of human services for the fiscal year
32 4 beginning July 1, 2009, and ending June 30, 2010, the
32 5 following amount, or so much thereof as is necessary, to be
32 6 used for the purpose designated:

32 7 For child and family services:
32 8 \$ 90,591,451

32 9 2. In order to address a reduction of \$5,200,000 from the
32 10 amount allocated under the appropriation made for the purposes
32 11 of this section in prior years for purposes of juvenile
32 12 delinquent graduated sanction services, up to \$5,200,000 of
32 13 the amount of federal temporary assistance for needy families
32 14 block grant funding appropriated in this division of this Act
32 15 for child and family services shall be made available for
32 16 purposes of juvenile delinquent graduated sanction services.

32 17 3. The department may transfer funds appropriated in this
32 18 section as necessary to pay the nonfederal costs of services
32 19 reimbursed under the medical assistance program, state child
32 20 care assistance program, or the family investment program
32 21 which are provided to children who would otherwise receive
32 22 services paid under the appropriation in this section. The
32 23 department may transfer funds appropriated in this section to
32 24 the appropriations made in this division of this Act for
32 25 general administration and for field operations for resources
32 26 necessary to implement and operate the services funded in this
32 27 section.

32 28 4. a. Of the funds appropriated in this section, up to
32 29 \$26,719,010 is allocated as the statewide expenditure target
32 30 under section 232.143 for group foster care maintenance and
32 31 services. If the department projects that such expenditures
32 32 for the fiscal year will be less than the target amount
32 33 allocated in this lettered paragraph, the department may
32 34 reallocate the excess to provide additional funding for
32 35 shelter care or the child welfare emergency services addressed
33 1 with the allocation for shelter care.

33 2 b. If at any time after September 30, 2009, annualization
33 3 of a service area's current expenditures indicates a service
33 4 area is at risk of exceeding its group foster care expenditure
33 5 target under section 232.143 by more than 5 percent, the
33 6 department and juvenile court services shall examine all group
33 7 foster care placements in that service area in order to
33 8 identify those which might be appropriate for termination. In
33 9 addition, any aftercare services believed to be needed for the
33 10 children whose placements may be terminated shall be
33 11 identified. The department and juvenile court services shall
33 12 initiate action to set dispositional review hearings for the
33 13 placements identified. In such a dispositional review
33 14 hearing, the juvenile court shall determine whether needed
33 15 aftercare services are available and whether termination of
33 16 the placement is in the best interest of the child and the
33 17 community.

33 18 5. In accordance with the provisions of section 232.188,
33 19 the department shall continue the child welfare and juvenile
33 20 justice funding initiative during fiscal year 2009=2010. Of
33 21 the funds appropriated in this section, \$1,717,753 is
33 22 allocated specifically for expenditure for fiscal year
33 23 2009=2010 through the decategorization service funding pools
33 24 and governance boards established pursuant to section 232.188.

33 25 6. A portion of the funds appropriated in this section may
33 26 be used for emergency family assistance to provide other
33 27 resources required for a family participating in a family
33 28 preservation or reunification project or successor project to
33 29 stay together or to be reunified.

33 30 7. Notwithstanding section 234.35 or any other provision
33 31 of law to the contrary, state funding for shelter care shall
33 32 be limited to \$6,957,549. The department may continue or
33 33 amend shelter care provider contracts to include the child
33 34 welfare emergency services for children who might otherwise be
33 35 served in shelter care that were implemented pursuant to 2008
34 1 Iowa Acts, chapter 1187, section 16, subsection 7.

34 2 8. Except for federal funds provided by the federal
34 3 American Recovery and Reinvestment Act of 2009, federal funds
34 4 received by the state during the fiscal year beginning July 1,
34 5 2009, as the result of the expenditure of state funds
34 6 appropriated during a previous state fiscal year for a service
34 7 or activity funded under this section are appropriated to the
34 8 department to be used as additional funding for services and
34 9 purposes provided for under this section. Notwithstanding
34 10 section 8.33, moneys received in accordance with this
34 11 subsection that remain unencumbered or unobligated at the
34 12 close of the fiscal year shall not revert to any fund but
34 13 shall remain available for the purposes designated until the
34 14 close of the succeeding fiscal year.

34 15 9. Of the funds appropriated in this section, at least
34 16 \$3,464,856 shall be used for protective child care assistance.

34 17 10. a. Of the funds appropriated in this section, up to
34 18 \$3,076,999 is allocated for the payment of the expenses of
34 19 court-ordered services provided to juveniles who are under the
34 20 supervision of juvenile court services, which expenses are a
34 21 charge upon the state pursuant to section 232.141, subsection
34 22 4. Of the amount allocated in this lettered paragraph, up to
34 23 \$1,556,287 shall be made available to provide school-based
34 24 supervision of children adjudicated under chapter 232, of
34 25 which not more than \$15,000 may be used for the purpose of
34 26 training. A portion of the cost of each school-based liaison
34 27 officer shall be paid by the school district or other funding

34 28 source as approved by the chief juvenile court officer.
 34 29 b. Of the funds appropriated in this section, up to
 34 30 \$832,205 is allocated for the payment of the expenses of
 34 31 court-ordered services provided to children who are under the
 34 32 supervision of the department, which expenses are a charge
 34 33 upon the state pursuant to section 232.141, subsection 4.
 34 34 c. Notwithstanding section 232.141 or any other provision
 34 35 of law to the contrary, the amounts allocated in this
 35 1 subsection shall be distributed to the judicial districts as
 35 2 determined by the state court administrator and to the
 35 3 department's service areas as determined by the administrator
 35 4 of the department's division of child and family services.
 35 5 The state court administrator and the division administrator
 35 6 shall make the determination of the distribution amounts on or
 35 7 before June 15, 2009.
 35 8 d. Notwithstanding chapter 232 or any other provision of
 35 9 law to the contrary, a district or juvenile court shall not
 35 10 order any service which is a charge upon the state pursuant to
 35 11 section 232.141 if there are insufficient court-ordered
 35 12 services funds available in the district court or departmental
 35 13 service area distribution amounts to pay for the service. The
 35 14 chief juvenile court officer and the departmental service area
 35 15 manager shall encourage use of the funds allocated in this
 35 16 subsection such that there are sufficient funds to pay for all
 35 17 court-related services during the entire year. The chief
 35 18 juvenile court officers and departmental service area managers
 35 19 shall attempt to anticipate potential surpluses and shortfalls
 35 20 in the distribution amounts and shall cooperatively request
 35 21 the state court administrator or division administrator to
 35 22 transfer funds between the judicial districts' or departmental
 35 23 service areas' distribution amounts as prudent.
 35 24 e. Notwithstanding any provision of law to the contrary, a
 35 25 district or juvenile court shall not order a county to pay for
 35 26 any service provided to a juvenile pursuant to an order
 35 27 entered under chapter 232 which is a charge upon the state
 35 28 under section 232.141, subsection 4.
 35 29 f. Of the funds allocated in this subsection, not more
 35 30 than \$100,000 may be used by the judicial branch for
 35 31 administration of the requirements under this subsection.
 35 32 11. Of the funds appropriated in this section, \$1,005,166
 35 33 shall be transferred to the department of public health to be
 35 34 used for the child protection center grant program in
 35 35 accordance with section 135.118.
 36 1 12. If the department receives federal approval to
 36 2 implement a waiver under Title IV-E of the federal Social
 36 3 Security Act to enable providers to serve children who remain
 36 4 in the children's families and communities, for purposes of
 36 5 eligibility under the medical assistance program children who
 36 6 participate in the waiver shall be considered to be placed in
 36 7 foster care.
 36 8 13. Of the funds appropriated in this section, \$2,695,256
 36 9 is allocated for the preparation for adult living program
 36 10 pursuant to section 234.46.
 36 11 14. Of the funds appropriated in this section, \$975,166
 36 12 shall be used for juvenile drug courts. The amount allocated
 36 13 in this subsection shall be distributed as follows:
 36 14 a. To the judicial branch for salaries to assist with the
 36 15 operation of juvenile drug court programs operated in the
 36 16 following jurisdictions:
 36 17 (1) Marshall county:
 36 18 \$ 58,509
 36 19 (2) Woodbury county:
 36 20 \$ 117,267
 36 21 (3) Polk county:
 36 22 \$ 182,779
 36 23 (4) The third judicial district:
 36 24 \$ 63,385
 36 25 (5) The eighth judicial district:
 36 26 \$ 63,385
 36 27 b. For court-ordered services to support substance abuse
 36 28 services provided to the juveniles participating in the
 36 29 juvenile drug court programs listed in paragraph "a" and the
 36 30 juveniles' families:
 36 31 \$ 489,837
 36 32 The state court administrator shall allocate the funding
 36 33 designated in this paragraph among the programs.
 36 34 15. Of the funds appropriated in this section, \$225,529
 36 35 shall be used for the public purpose of providing a grant to a
 37 1 nonprofit human services organization providing services to
 37 2 individuals and families in multiple locations in southwest
 37 3 Iowa and Nebraska for support of a project providing

37 4 immediate, sensitive support and forensic interviews, medical
37 5 exams, needs assessments, and referrals for victims of child
37 6 abuse and their nonoffending family members.
37 7 16. Of the funds appropriated in this section, \$123,923 is
37 8 allocated for the elevate approach of providing a support
37 9 network to children placed in foster care.
37 10 17. Of the funds appropriated in this section, \$285,600 is
37 11 allocated for use pursuant to section 235A.1 for continuation
37 12 subject to a court order for out-of-home placement in
37 13 accordance with section 232.108.
37 14 18. Of the funds appropriated in this section, \$190,400 is
37 15 allocated for use pursuant to section 235A.1 for continuation
37 16 of the initiative to address child sexual abuse implemented
37 17 pursuant to 2007 Iowa Acts, chapter 218, section 18,
37 18 subsection 21.
37 19 19. Of the funds appropriated in this section, \$75,741 is
37 20 allocated for the public purpose of renewing of a grant to a
37 21 county with a population between 189,000 and 196,000 in the
37 22 latest preceding certified federal census for implementation
37 23 of the county's runaway treatment plan under section 232.195.
37 24 20. Of the funds appropriated in this section, \$590,780 is
37 25 allocated for the community partnership for child protection
37 26 sites.
37 27 21. Of the funds appropriated in this section, \$355,036 is
37 28 allocated for the department's minority youth and family
37 29 projects under the redesign of the child welfare system.
37 30 22. Of the funds appropriated in this section, \$281,217 is
37 31 allocated for funding of the state match for the federal
37 32 substance abuse and mental health services administration
37 33 (SAMHSA) system of care grant.
37 34 23. Of the funds appropriated in this section, \$23,792 is
37 35 allocated for the public purpose of providing a grant to a
38 1 child welfare services provider headquartered in a county with
38 2 a population between 189,000 and 196,000 in the latest
38 3 preceding certified federal census that provides multiple
38 4 services including but not limited to a psychiatric medical
38 5 institution for children, shelter, residential treatment,
38 6 after school programs, school-based programming, and an
38 7 Asperger's syndrome program, to be used for support services
38 8 for children with autism spectrum disorder and their families.
38 9 Sec. 17. ADOPTION SUBSIDY.
38 10 1. There is appropriated from the general fund of the
38 11 state to the department of human services for the fiscal year
38 12 beginning July 1, 2009, and ending June 30, 2010, the
38 13 following amount, or so much thereof as is necessary, to be
38 14 used for the purpose designated:
38 15 For adoption subsidy payments and services:
38 16 \$ 34,883,674
38 17 2. The department may transfer funds appropriated in this
38 18 section to the appropriation made in this Act for general
38 19 administration for costs paid from the appropriation relating
38 20 to adoption subsidy.
38 21 3. Except for federal funds provided by the federal
38 22 American Recovery and Reinvestment Act of 2009, federal funds
38 23 received by the state during the fiscal year beginning July 1,
38 24 2009, as the result of the expenditure of state funds during a
38 25 previous state fiscal year for a service or activity funded
38 26 under this section are appropriated to the department to be
38 27 used as additional funding for the services and activities
38 28 funded under this section. Notwithstanding section 8.33,
38 29 moneys received in accordance with this subsection that remain
38 30 unencumbered or unobligated at the close of the fiscal year
38 31 shall not revert to any fund but shall remain available for
38 32 expenditure for the purposes designated until the close of the
38 33 succeeding fiscal year.
38 34 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
38 35 in the juvenile detention home fund created in section 232.142
39 1 during the fiscal year beginning July 1, 2009, and ending June
39 2 30, 2010, are appropriated to the department of human services
39 3 for the fiscal year beginning July 1, 2009, and ending June
39 4 30, 2010, for distribution of an amount equal to a percentage
39 5 of the costs of the establishment, improvement, operation, and
39 6 maintenance of county or multicounty juvenile detention homes
39 7 in the fiscal year beginning July 1, 2008. Moneys
39 8 appropriated for distribution in accordance with this section
39 9 shall be allocated among eligible detention homes, prorated on
39 10 the basis of an eligible detention home's proportion of the
39 11 costs of all eligible detention homes in the fiscal year
39 12 beginning July 1, 2008. The percentage figure shall be
39 13 determined by the department based on the amount available for
39 14 distribution for the fund. Notwithstanding section 232.142,

subsection 3, the financial aid payable by the state under
 that provision for the fiscal year beginning July 1, 2009,
 shall be limited to the amount appropriated for the purposes
 of this section.

Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the
 state to the department of human services for the fiscal year
 beginning July 1, 2009, and ending June 30, 2010, the
 following amount, or so much thereof as is necessary, to be
 used for the purpose designated:
 For the family support subsidy program:

.....	\$ 1,697,137
-------	--------------

2. The department shall use at least \$433,212 of the
 moneys appropriated in this section for the family support
 center component of the comprehensive family support program
 under section 225C.47. Not more than \$25,000 of the amount
 allocated in this subsection shall be used for administrative
 costs.

Sec. 20. CONNER DECREE. There is appropriated from the
 general fund of the state to the department of human services
 for the fiscal year beginning July 1, 2009, and ending June
 30, 2010, the following amount, or so much thereof as is
 necessary, to be used for the purpose designated:

For building community capacity through the coordination
 and provision of training opportunities in accordance with the
 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
 Iowa, July 14, 1994):

.....	\$ 37,358
-------	-----------

Sec. 21. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the
 state to the department of human services for the fiscal year
 beginning July 1, 2009, and ending June 30, 2010, the
 following amounts, or so much thereof as is necessary, to be
 used for the purposes designated:

a. For the state mental health institute at Cherokee for
 salaries, support, maintenance, and miscellaneous purposes,
 and for not more than the following full-time equivalent
 positions:

.....	\$ 5,436,076
.....	FTEs 205.00

b. For the state mental health institute at Clarinda for
 salaries, support, maintenance, and miscellaneous purposes,
 and for not more than the following full-time equivalent
 positions:

.....	\$ 6,227,335
.....	FTEs 114.95

c. For the state mental health institute at Independence
 for salaries, support, maintenance, and miscellaneous
 purposes, and for not more than the following full-time
 equivalent positions:

.....	\$ 9,503,567
.....	FTEs 287.85

d. For the state mental health institute at Mount Pleasant
 for salaries, support, maintenance, and miscellaneous
 purposes, and for not more than the following full-time
 equivalent positions:

.....	\$ 1,795,552
.....	FTEs 116.44

2. The department shall submit a proposal for closing one
 state mental health institute and consolidating the services
 provided at the other state mental health institutes. The
 plan shall be submitted to the persons designated by this
 division of this Act for submission of reports on or before
 December 15, 2009.

Sec. 22. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the
 state to the department of human services for the fiscal year
 beginning July 1, 2009, and ending June 30, 2010, the
 following amounts, or so much thereof as is necessary, to be
 used for the purposes designated:

a. For the state resource center at Glenwood for salaries,
 support, maintenance, and miscellaneous purposes:

.....	\$ 17,620,487
-------	---------------

b. For the state resource center at Woodward for salaries,
 support, maintenance, and miscellaneous purposes:

.....	\$ 10,929,200
-------	---------------

2. The department may continue to bill for state resource
 center services utilizing a scope of services approach used
 for private providers of ICFMR services, in a manner which
 does not shift costs between the medical assistance program,
 counties, or other sources of funding for the state resource

41 26 centers.

41 27 3. The state resource centers may expand the time=limited
41 28 assessment and respite services during the fiscal year.

41 29 4. If the department's administration and the department
41 30 of management concur with a finding by a state resource
41 31 center's superintendent that projected revenues can reasonably
41 32 be expected to pay the salary and support costs for a new
41 33 employee position, or that such costs for adding a particular
41 34 number of new positions for the fiscal year would be less than
41 35 the overtime costs if new positions would not be added, the
42 1 superintendent may add the new position or positions. If the
42 2 vacant positions available to a resource center do not include
42 3 the position classification desired to be filled, the state
42 4 resource center's superintendent may reclassify any vacant
42 5 position as necessary to fill the desired position. The
42 6 superintendents of the state resource centers may, by mutual
42 7 agreement, pool vacant positions and position classifications
42 8 during the course of the fiscal year in order to assist one
42 9 another in filling necessary positions.

42 10 5. If existing capacity limitations are reached in
42 11 operating units, a waiting list is in effect for a service or
42 12 a special need for which a payment source or other funding is
42 13 available for the service or to address the special need, and
42 14 facilities for the service or to address the special need can
42 15 be provided within the available payment source or other
42 16 funding, the superintendent of a state resource center may
42 17 authorize opening not more than two units or other facilities
42 18 and begin implementing the service or addressing the special
42 19 need during fiscal year 2009=2010.

42 20 Sec. 23. MI/MR/DD STATE CASES.

42 21 1. There is appropriated from the general fund of the
42 22 state to the department of human services for the fiscal year
42 23 beginning July 1, 2009, and ending June 30, 2010, the
42 24 following amount, or so much thereof as is necessary, to be
42 25 used for the purpose designated:

42 26 For distribution to counties for state case services for
42 27 persons with mental illness, mental retardation, and
42 28 developmental disabilities in accordance with section 331.440:
42 29 \$ 11,446,288

42 30 2. For the fiscal year beginning July 1, 2009, and ending
42 31 June 30, 2010, \$200,000 is allocated for state case services
42 32 from the amounts appropriated from the fund created in section
42 33 8.41 to the department of human services from the funds
42 34 received from the federal government under 42 U.S.C., ch. 6A,
42 35 subch. XVII, relating to the community mental health center
43 1 block grant, for the federal fiscal years beginning October 1,
43 2 2007, and ending September 30, 2008, beginning October 1,
43 3 2008, and ending September 30, 2009, and beginning October 1,
43 4 2009, and ending September 30, 2010. The allocation made in
43 5 this subsection shall be made prior to any other distribution
43 6 allocation of the appropriated federal funds.

43 7 3. For the fiscal year beginning July 1, 2009, to the
43 8 extent the appropriation made in this section and other
43 9 funding provided for state case services and other support, as
43 10 defined in section 331.440, and the other funding available in
43 11 the county's services fund under section 331.424A are
43 12 insufficient to pay the costs of such services and other
43 13 support, a county of residence may implement a waiting list or
43 14 other measures to maintain expenditures within the available
43 15 funding.

43 16 4. Notwithstanding section 8.33, moneys appropriated in
43 17 this section that remain unencumbered or unobligated at the
43 18 close of the fiscal year shall not revert but shall remain
43 19 available for expenditure for the purposes designated until
43 20 the close of the succeeding fiscal year.

43 21 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
43 22 COMMUNITY SERVICES FUND. There is appropriated from the
43 23 general fund of the state to the mental health and
43 24 developmental disabilities community services fund created in
43 25 section 225C.7 for the fiscal year beginning July 1, 2009, and
43 26 ending June 30, 2010, the following amount, or so much thereof
43 27 as is necessary, to be used for the purpose designated:

43 28 For mental health and developmental disabilities community
43 29 services in accordance with this division of this Act:
43 30 \$ 15,790,111

43 31 1. Of the funds appropriated in this section, \$15,535,967
43 32 shall be allocated to counties for funding of community=based
43 33 mental health and developmental disabilities services. The
43 34 moneys shall be allocated to a county as follows:

43 35 a. Fifty percent based upon the county's proportion of the
44 1 state's population of persons with an annual income which is

44 2 equal to or less than the poverty guideline established by the
44 3 federal office of management and budget.

44 4 b. Fifty percent based upon the county's proportion of the
44 5 state's general population.

44 6 2. a. A county shall utilize the funding the county
44 7 receives pursuant to subsection 1 for services provided to
44 8 persons with a disability, as defined in section 225C.2.
44 9 However, no more than 50 percent of the funding shall be used
44 10 for services provided to any one of the service populations.

44 11 b. A county shall use at least 50 percent of the funding
44 12 the county receives under subsection 1 for contemporary
44 13 services provided to persons with a disability, as described
44 14 in rules adopted by the department.

44 15 3. Of the funds appropriated in this section, \$26,160
44 16 shall be used to support the Iowa compass program providing
44 17 computerized information and referral services for Iowans with
44 18 disabilities and their families.

44 19 4. a. Funding appropriated for purposes of the federal
44 20 social services block grant is allocated for distribution to
44 21 counties for local purchase of services for persons with
44 22 mental illness or mental retardation or other developmental
44 23 disability.

44 24 b. The funds allocated in this subsection shall be
44 25 expended by counties in accordance with the county's approved
44 26 county management plan. A county without an approved county
44 27 management plan shall not receive allocated funds until the
44 28 county's management plan is approved.

44 29 c. The funds provided by this subsection shall be
44 30 allocated to each county as follows:

44 31 (1) Fifty percent based upon the county's proportion of
44 32 the state's population of persons with an annual income which
44 33 is equal to or less than the poverty guideline established by
44 34 the federal office of management and budget.

44 35 (2) Fifty percent based upon the amount provided to the
45 1 county for local purchase of services in the preceding fiscal
45 2 year.

45 3 5. A county is eligible for funds under this section if
45 4 the county qualifies for a state payment as described in
45 5 section 331.439.

45 6 6. Of the funds appropriated in this section, \$226,720
45 7 shall be used for the public purpose of continuing a grant to
45 8 a statewide association of counties for development and
45 9 implementation of the community services network to replace
45 10 the county management information system.

45 11 7. The most recent population estimates issued by the
45 12 United States bureau of the census shall be applied for the
45 13 population factors utilized in this section.

45 14 Sec. 25. SEXUALLY VIOLENT PREDATORS.

45 15 1. There is appropriated from the general fund of the
45 16 state to the department of human services for the fiscal year
45 17 beginning July 1, 2009, and ending June 30, 2010, the
45 18 following amount, or so much thereof as is necessary, to be
45 19 used for the purpose designated:

45 20 For costs associated with the commitment and treatment of
45 21 sexually violent predators in the unit located at the state
45 22 mental health institute at Cherokee, including costs of legal
45 23 services and other associated costs, including salaries,
45 24 support, maintenance, and miscellaneous purposes, and for not
45 25 more than the following full-time equivalent positions:

45 26 \$ 6,860,204
45 27 FTEs 105.50

45 28 2. Unless specifically prohibited by law, if the amount
45 29 charged provides for recoupment of at least the entire amount
45 30 of direct and indirect costs, the department of human services
45 31 may contract with other states to provide care and treatment
45 32 of persons placed by the other states at the unit for sexually
45 33 violent predators at Cherokee. The moneys received under such
45 34 a contract shall be considered to be repayment receipts and
45 35 used for the purposes of the appropriation made in this
46 1 section.

46 2 Sec. 26. FIELD OPERATIONS. There is appropriated from the
46 3 general fund of the state to the department of human services
46 4 for the fiscal year beginning July 1, 2009, and ending June
46 5 30, 2010, the following amount, or so much thereof as is
46 6 necessary, to be used for the purposes designated:

46 7 For field operations, including salaries, support,
46 8 maintenance, and miscellaneous purposes, and for not more than
46 9 the following full-time equivalent positions:

46 10 \$ 63,032,831
46 11 FTEs 2,000.13

46 12 Priority in filling full-time equivalent positions shall be

46 13 given to those positions related to child protection services
 46 14 and eligibility determination for low-income families.
 46 15 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
 46 16 from the general fund of the state to the department of human
 46 17 services for the fiscal year beginning July 1, 2009, and
 46 18 ending June 30, 2010, the following amount, or so much thereof
 46 19 as is necessary, to be used for the purpose designated:
 46 20 For general administration, including salaries, support,
 46 21 maintenance, and miscellaneous purposes, and for not more than
 46 22 the following full-time equivalent positions:
 46 23 \$ 15,252,523
 46 24 FTEs 354.33
 46 25 1. Of the funds appropriated in this section, \$48,556 is
 46 26 allocated for the prevention of disabilities policy council
 46 27 established in section 225B.3.
 46 28 2. The department shall report at least monthly to the
 46 29 legislative services agency concerning the department's
 46 30 operational and program expenditures.
 46 31 3. Notwithstanding provisions to the contrary in chapter
 46 32 217, if necessary to address funding reductions in general
 46 33 administration and field operations, the department may
 46 34 propose and implement reorganization of the departmental
 46 35 administration and field operations during the fiscal year
 47 1 beginning July 1, 2009. At least 30 calendar days prior to
 47 2 implementation of any reorganization, the department shall
 47 3 submit a detailed proposal for the reorganization to the
 47 4 chairpersons and ranking members of the joint appropriations
 47 5 subcommittee on health and human services, the department of
 47 6 management, and the persons designated by this division of
 47 7 this Act for submission of reports, to provide an opportunity
 47 8 for review, and comment, and possible revision of the
 47 9 proposal.
 47 10 4. The department shall adopt rules pursuant to chapter
 47 11 17A establishing standards for childrens centers under section
 47 12 237B.1, as amended by this Act.
 47 13 Sec. 28. VOLUNTEERS. There is appropriated from the
 47 14 general fund of the state to the department of human services
 47 15 for the fiscal year beginning July 1, 2009, and ending June
 47 16 30, 2010, the following amount, or so much thereof as is
 47 17 necessary, to be used for the purpose designated:
 47 18 For development and coordination of volunteer services:
 47 19 \$ 94,067
 47 20 Sec. 29. FAMILY PLANNING SERVICES. There is appropriated
 47 21 from the general fund of the state to the department of human
 47 22 services for the fiscal year beginning July 1, 2009, and
 47 23 ending June 30, 2010, the following amount or so much thereof
 47 24 as is necessary, to be used for the purpose designated:
 47 25 For family planning services to individuals with incomes
 47 26 not to exceed 200 percent of the federal poverty level as
 47 27 defined by the most recently revised income guidelines
 47 28 published by the United States department of health and human
 47 29 services, who are not currently receiving the specific benefit
 47 30 under the medical assistance program:
 47 31 \$ 10,000
 47 32 Moneys appropriated under this section shall not be used to
 47 33 provide abortions. The department shall work with appropriate
 47 34 stakeholders to implement and administer the program.
 47 35 Sec. 30. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM
 48 1 == APPROPRIATION. There is appropriated from the general fund
 48 2 of the state to the department of human services for the
 48 3 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 48 4 the following amount or so much thereof as is necessary for
 48 5 the purpose designated:
 48 6 For a pregnancy counseling and support services program as
 48 7 specified in this section:
 48 8 \$ 100,000
 48 9 The department of human services shall continue the
 48 10 pregnancy counseling and support services program to provide
 48 11 core services consisting of information, education,
 48 12 counseling, and support services to women who experience
 48 13 unplanned pregnancies by supporting childbirth, assisting
 48 14 pregnant women in remaining healthy and maintaining a healthy
 48 15 pregnancy while deciding whether to keep the child or place
 48 16 the child for adoption, and assisting women after the birth of
 48 17 a child that was implemented pursuant to 2008 Iowa Acts,
 48 18 chapter 1187, section 30.
 48 19 Sec. 31. CIVIL MONETARY PENALTIES == DIRECT CARE WORKERS.
 48 20 Of the funds received by the department of human services
 48 21 through federal civil monetary penalties from nursing
 48 22 facilities, during the fiscal year beginning July 1, 2009, and
 48 23 ending June 30, 2010, \$70,000 shall be used to provide

48 24 conference scholarships to direct care workers, subject to
48 25 approval by the centers for Medicare and Medicaid services of
48 26 the United States department of health and human services.
48 27 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
48 28 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
48 29 DEPARTMENT OF HUMAN SERVICES.

48 30 1. a. (1) For the fiscal year beginning July 1, 2009,
48 31 the total state funding amount for the nursing facility budget
48 32 shall not exceed \$146,803,575.

48 33 (2) For the fiscal year beginning July 1, 2009, the
48 34 department shall rebase case=mix nursing facility rates.
48 35 However, total nursing facility budget expenditures, including
49 1 both case=mix and noncase=mix shall not exceed the amount
49 2 specified in subparagraph (1). When calculating case=mix per
49 3 diem cost and the patient=day=weighted medians used in
49 4 rate=setting for nursing facilities effective July 1, 2009,
49 5 the inflation factor applied from the midpoint of the cost
49 6 report period to the first day of the state fiscal year rate
49 7 period shall be adjusted to maintain state funding within the
49 8 amount specified in subparagraph (1).

49 9 (3) The department, in cooperation with nursing facility
49 10 representatives, shall review projections for state funding
49 11 expenditures for reimbursement of nursing facilities on a
49 12 quarterly basis and the department shall determine if an
49 13 adjustment to the medical assistance reimbursement rate is
49 14 necessary in order to provide reimbursement within the state
49 15 funding amount. Any temporary enhanced federal financial
49 16 participation that may become available to the Iowa medical
49 17 assistance program during the fiscal year shall not be used in
49 18 projecting the nursing facility budget. Notwithstanding 2001
49 19 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
49 20 "c", and subsection 3, paragraph "a", subparagraph (2), if the
49 21 state funding expenditures for the nursing facility budget for
49 22 the fiscal year beginning July 1, 2009, are projected to
49 23 exceed the amount specified in subparagraph (1), the
49 24 department shall adjust the reimbursement for nursing
49 25 facilities reimbursed under the case=mix reimbursement system
49 26 to maintain expenditures of the nursing facility budget within
49 27 the specified amount. The department shall revise such
49 28 reimbursement as necessary to adjust the annual accountability
49 29 measures payment in accordance with 2001 Iowa Acts, chapter
49 30 192, section 4, subsection 4, as amended by 2008 Iowa Acts,
49 31 chapter 1187, section 33, and as amended by this Act.

49 32 b. For the fiscal year beginning July 1, 2009, the
49 33 department shall reimburse pharmacy dispensing fees using a
49 34 single rate of \$4.57 per prescription or the pharmacy's usual
49 35 and customary fee, whichever is lower.

50 1 c. (1) For the fiscal year beginning July 1, 2009,
50 2 reimbursement rates for outpatient hospital services shall
50 3 remain at the rates in effect on June 30, 2009.

50 4 (2) For the fiscal year beginning July 1, 2009,
50 5 reimbursement rates for inpatient hospital services in effect
50 6 on June 30, 2009, shall be reduced by 2.3 percent.

50 7 (3) For the fiscal year beginning July 1, 2009, the
50 8 graduate medical education and disproportionate share hospital
50 9 fund shall remain at the amount in effect on June 30, 2009.

50 10 (4) In order to ensure the efficient use of limited state
50 11 funds in procuring health care services for low-income Iowans,
50 12 funds appropriated in this Act for hospital services shall not
50 13 be used for activities which would be excluded from a
50 14 determination of reasonable costs under the federal Medicare
50 15 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

50 16 d. For the fiscal year beginning July 1, 2009,
50 17 reimbursement rates for rural health clinics, hospices,
50 18 independent laboratories, and acute mental hospitals shall be
50 19 increased in accordance with increases under the federal
50 20 Medicare program or as supported by their Medicare audited
50 21 costs.

50 22 e. For the fiscal year beginning July 1, 2009,
50 23 reimbursement rates for home health agencies shall remain at
50 24 the rates in effect on June 30, 2009, not to exceed a home
50 25 health agency's actual allowable cost.

50 26 f. For the fiscal year beginning July 1, 2009, federally
50 27 qualified health centers shall receive cost=based
50 28 reimbursement for 100 percent of the reasonable costs for the
50 29 provision of services to recipients of medical assistance.

50 30 g. For the fiscal year beginning July 1, 2009, the
50 31 reimbursement rates for dental services shall remain at the
50 32 rates in effect on June 30, 2009.

50 33 h. Unless legislation is enacted by the Eighty=third
50 34 General Assembly, 2009 Session, adjusting such rates, for the

50 35 fiscal year beginning July 1, 2009, the maximum reimbursement
51 1 rate for psychiatric medical institutions for children shall
51 2 be \$167.19 per day.

51 3 i. For the fiscal year beginning July 1, 2009, unless
51 4 otherwise specified in this Act, all noninstitutional medical
51 5 assistance provider reimbursement rates shall remain at the
51 6 rates in effect on June 30, 2009, except for area education
51 7 agencies, local education agencies, infant and toddler
51 8 services providers, and those providers whose rates are
51 9 required to be determined pursuant to section 249A.20.

51 10 j. Notwithstanding any provision to the contrary, for the
51 11 fiscal year beginning July 1, 2009, the reimbursement rate for
51 12 anesthesiologists shall remain at the rate in effect on June
51 13 30, 2009.

51 14 k. Notwithstanding section 249A.20, for the fiscal year
51 15 beginning July 1, 2009, the average reimbursement rate for
51 16 health care providers eligible for use of the federal Medicare
51 17 resource-based relative value scale reimbursement methodology
51 18 under that section shall remain at the rate in effect on June
51 19 30, 2009; however, this rate shall not exceed the maximum
51 20 level authorized by the federal government.

51 21 l. For the fiscal year beginning July 1, 2009, the
51 22 reimbursement rate for residential care facilities shall not
51 23 be less than the minimum payment level as established by the
51 24 federal government to meet the federally mandated maintenance
51 25 of effort requirement. The flat reimbursement rate for
51 26 facilities electing not to file semiannual cost reports shall
51 27 not be less than the minimum payment level as established by
51 28 the federal government to meet the federally mandated
51 29 maintenance of effort requirement.

51 30 m. For the fiscal year beginning July 1, 2009, inpatient
51 31 mental health services provided at hospitals shall be
51 32 reimbursed at the cost of the services, subject to Medicaid
51 33 program upper payment limit rules; community mental health
51 34 centers and providers of mental health services to county
51 35 residents pursuant to a waiver approved under section 225C.7,
52 1 subsection 3, shall be reimbursed at 100 percent of the
52 2 reasonable costs for the provision of services to recipients
52 3 of medical assistance; and psychiatrists shall be reimbursed
52 4 at the medical assistance program fee for service rate.

52 5 n. For the fiscal year beginning July 1, 2009, the
52 6 reimbursement rate for consumer-directed attendant care shall
52 7 remain at the rates in effect on June 30, 2009.

52 8 o. For the fiscal year beginning July 1, 2009, the
52 9 reimbursement rate for providers of family planning services
52 10 that are eligible to receive a 90 percent federal match shall
52 11 be increased by 5 percent above the rates in effect on June
52 12 30, 2009.

52 13 2. For the fiscal year beginning July 1, 2009, the
52 14 reimbursement rate for providers reimbursed under the in=
52 15 home-related care program shall not be less than the minimum
52 16 payment level as established by the federal government to meet
52 17 the federally mandated maintenance of effort requirement.

52 18 3. Unless otherwise directed in this section, when the
52 19 department's reimbursement methodology for any provider
52 20 reimbursed in accordance with this section includes an
52 21 inflation factor, this factor shall not exceed the amount by
52 22 which the consumer price index for all urban consumers
52 23 increased during the calendar year ending December 31, 2002.

52 24 4. For the fiscal year beginning July 1, 2009,
52 25 notwithstanding section 234.38, the foster family basic daily
52 26 maintenance rate, the maximum adoption subsidy rate, and the
52 27 maximum supervised apartment living foster care rate, and the
52 28 preparation for adult living program maintenance rate for
52 29 children ages 0 through 5 years shall be \$16.36, the rate for
52 30 children ages 6 through 11 years shall be \$17.01, the rate for
52 31 children ages 12 through 15 years shall be \$18.62, and the
52 32 rate for children and young adults ages 16 and older shall be
52 33 \$18.87.

52 34 5. For the fiscal year beginning July 1, 2009, the maximum
52 35 reimbursement rates for social services providers reimbursed
53 1 under a purchase of social services contract shall remain at
53 2 the rates in effect on June 30, 2009, or the provider's actual
53 3 and allowable cost plus inflation for each service, whichever
53 4 is less. However, the rates may be adjusted under any of the
53 5 following circumstances:

53 6 a. If a new service was added after June 30, 2009, the
53 7 initial reimbursement rate for the service shall be based upon
53 8 actual and allowable costs.

53 9 b. If a social service provider loses a source of income
53 10 used to determine the reimbursement rate for the provider, the

53 11 provider's reimbursement rate may be adjusted to reflect the
53 12 loss of income, provided that the lost income was used to
53 13 support actual and allowable costs of a service purchased
53 14 under a purchase of service contract.

53 15 6. For the fiscal year beginning July 1, 2009, the
53 16 reimbursement rates for family-centered service providers,
53 17 family foster care service providers, group foster care
53 18 service providers, and the resource family recruitment and
53 19 retention contractor shall remain at the rates in effect on
53 20 June 30, 2009.

53 21 7. The group foster care reimbursement rates paid for
53 22 placement of children out of state shall be calculated
53 23 according to the same rate-setting principles as those used
53 24 for in-state providers, unless the director of human services
53 25 or the director's designee determines that appropriate care
53 26 cannot be provided within the state. The payment of the daily
53 27 rate shall be based on the number of days in the calendar
53 28 month in which service is provided.

53 29 8. For the fiscal year beginning July 1, 2009, remedial
53 30 service providers shall receive cost-based reimbursement for
53 31 100 percent of the reasonable costs not to exceed the
53 32 established limit for the provision of services to recipients
53 33 of medical assistance.

53 34 9. a. For the fiscal year beginning July 1, 2009, the
53 35 combined service and maintenance components of the
54 1 reimbursement rate paid for shelter care services and
54 2 alternative child welfare emergency services purchased under a
54 3 contract shall be based on the financial and statistical
54 4 report submitted to the department. The maximum reimbursement
54 5 rate shall be \$92.36 per day. The department shall reimburse
54 6 a shelter care provider at the provider's actual and allowable
54 7 unit cost, plus inflation, not to exceed the maximum
54 8 reimbursement rate.

54 9 b. Notwithstanding section 232.141, subsection 8, for the
54 10 fiscal year beginning July 1, 2009, the amount of the
54 11 statewide average of the actual and allowable rates for
54 12 reimbursement of juvenile shelter care homes that is utilized
54 13 for the limitation on recovery of unpaid costs shall remain at
54 14 the amount in effect for this purpose in the preceding fiscal
54 15 year.

54 16 10. For the fiscal year beginning July 1, 2009, the
54 17 department shall calculate reimbursement rates for
54 18 intermediate care facilities for persons with mental
54 19 retardation at the 80th percentile.

54 20 11. For the fiscal year beginning July 1, 2009, for child
54 21 care providers reimbursed under the state child care
54 22 assistance program, the department shall set provider
54 23 reimbursement rates based on the rate reimbursement survey
54 24 completed in December 2004. Effective July 1, 2009, the child
54 25 care provider reimbursement rates shall remain at the rates in
54 26 effect on June 30, 2009. The department shall set rates in a
54 27 manner so as to provide incentives for a nonregistered
54 28 provider to become registered by applying the increase only to
54 29 registered and licensed providers.

54 30 12. For the fiscal year beginning July 1, 2009,
54 31 reimbursements for providers reimbursed by the department of
54 32 human services may be modified if appropriated funding is
54 33 allocated for that purpose from the senior living trust fund
54 34 created in section 249H.4.

54 35 13. The department may adopt emergency rules to implement
55 1 this section.

55 2 Sec. 33. 2001 Iowa Acts, chapter 192, section 4,
55 3 subsection 4, as amended by 2008 Iowa Acts, chapter 1187,
55 4 section 33, subsection 4, is amended by striking the
55 5 subsection, and inserting in lieu thereof the following:

55 6 4. NURSING FACILITY PAY=FOR=PERFORMANCE.

55 7 a. It is the intent of the general assembly that the
55 8 department of human services initiate a system to recognize
55 9 nursing facilities that provide quality of life and
55 10 appropriate access to medical assistance program beneficiaries
55 11 in a cost-effective manner.

55 12 b. The department shall design and implement a program to
55 13 establish benchmarks and to collect data for these benchmarks
55 14 to evaluate nursing facility performance and to adjust the
55 15 program and benchmarks, accordingly, to recognize improvement.
55 16 The program shall include procedures to provide a
55 17 pay-for-performance payment based upon a nursing facility's
55 18 achievement of multiple favorable outcomes as determined by
55 19 these benchmarks. Any increased reimbursement shall not
55 20 exceed 5 percent of the sum of the direct and nondirect care
55 21 medians. The increased reimbursement shall be included in the

55 22 calculation of nursing facility modified price=based payment
55 23 rates with the exception of Medicare=certified hospital=based
55 24 nursing facilities, state=operated nursing facilities, and
55 25 special population nursing facilities. The increased
55 26 reimbursement shall be applicable to the payment periods
55 27 beginning July 1, 2009.

55 28 c. It is the intent of the general assembly that any
55 29 pay=for=performance payments to nursing facilities be used to
55 30 support direct care staff through increased wages, enhanced
55 31 benefits, and expanded training opportunities and that all
55 32 pay=for=performance payments be used in a manner that improves
55 33 and enhances quality of care for residents.

55 34 d. The program shall include various levels of compliance
55 35 in order for a nursing facility to be considered eligible for
56 1 a pay=for=performance payment including:

56 2 (1) The initial meeting of prerequisites including all of
56 3 the following:

56 4 (a) A nursing facility shall not be eligible to
56 5 participate if during the payment period the nursing facility
56 6 receives a deficiency resulting in actual harm or immediate
56 7 jeopardy, pursuant to the federal certification guidelines at
56 8 an H level scope and severity or higher, regardless of the
56 9 amount of fines assessed.

56 10 (b) The pay=for=performance payment component shall be
56 11 suspended for any month the nursing facility is in denial of
56 12 payment for new admissions status.

56 13 (2) Monitoring for nursing facility compliance with
56 14 program requirements including:

56 15 (a) Survey compliance during the payment period. If a
56 16 nursing facility receives a deficiency resulting in actual
56 17 harm pursuant to the federal certification guidelines at a G
56 18 level scope and severity or higher, the payment shall be
56 19 reduced by 25 percent for each such deficiency received during
56 20 the state fiscal year. Additionally, if the nursing facility
56 21 fails to cure any deficiency cited within the time required by
56 22 the department of inspections and appeals, the payment shall
56 23 be forfeited and the nursing facility shall not receive any
56 24 payment for that payment period.

56 25 (b) Compliance with the use of the pay=for=performance
56 26 payment received.

56 27 (c) Establishing and utilizing a tracking and reporting
56 28 system to document the use of the pay=for=performance payments
56 29 by the nursing facility.

56 30 (3) Use of measures based on the four domains of quality
56 31 of life, quality of care, access, and efficiency.

56 32 e. (1) The department shall utilize cost reports or other
56 33 means to document nursing facility eligibility for and
56 34 compliance with the pay=for=performance payments.

56 35 (2) The department shall publish the results of the
57 1 measures for which a nursing facility qualifies and the amount
57 2 of any pay=for=performance payment received. The department
57 3 shall also publish information regarding the use of the
57 4 pay=for=performance payments by any nursing facility receiving
57 5 such payment.

57 6 f. The department may adopt emergency rules to implement
57 7 this subsection.

57 8 g. The department shall request any medical assistance
57 9 state plan amendment necessary to implement the
57 10 pay=for=performance payment methodology.

57 11 Sec. 34. EMERGENCY RULES.

57 12 1. If specifically authorized by a provision of this
57 13 division of this Act, the department of human services or the
57 14 mental health, mental retardation, developmental disabilities,
57 15 and brain injury commission may adopt administrative rules
57 16 under section 17A.4, subsection 2, and section 17A.5,
57 17 subsection 2, paragraph "b", to implement the provisions and
57 18 the rules shall become effective immediately upon filing or on
57 19 a later effective date specified in the rules, unless the
57 20 effective date is delayed by the administrative rules review
57 21 committee. Any rules adopted in accordance with this section
57 22 shall not take effect before the rules are reviewed by the
57 23 administrative rules review committee. The delay authority
57 24 provided to the administrative rules review committee under
57 25 section 17A.4, subsection 5, and section 17A.8, subsection 9,
57 26 shall be applicable to a delay imposed under this section,
57 27 notwithstanding a provision in those sections making them
57 28 inapplicable to section 17A.5, subsection 2, paragraph "b".
57 29 Any rules adopted in accordance with the provisions of this
57 30 section shall also be published as notice of intended action
57 31 as provided in section 17A.4.

57 32 2. If during the fiscal year beginning July 1, 2009, the

57 33 department of human services is adopting rules in accordance
57 34 with this section or as otherwise directed or authorized by
57 35 state law, and the rules will result in an expenditure
58 1 increase beyond the amount anticipated in the budget process
58 2 or if the expenditure was not addressed in the budget process
58 3 for the fiscal year, the department shall notify the persons
58 4 designated by this division of this Act for submission of
58 5 reports, the chairpersons and ranking members of the
58 6 committees on appropriations, and the department of management
58 7 concerning the rules and the expenditure increase. The
58 8 notification shall be provided at least 30 calendar days prior
58 9 to the date notice of the rules is submitted to the
58 10 administrative rules coordinator and the administrative code
58 11 editor.

58 12 Sec. 35. DEPARTMENTAL EFFICIENCIES == BUDGET REDUCTIONS.
58 13 The departments of elder affairs, public health, human
58 14 services, and veterans affairs shall develop a plan to
58 15 maximize efficiencies to reduce their respective FY 2009=2010
58 16 budgets by five percent beginning in FY 2010=2011. The
58 17 departments shall collaborate to the extent appropriate to
58 18 accomplish such reductions. The departments shall report
58 19 their plans for maximizing efficiencies and reducing their
58 20 budgets to the individuals specified in this Act to receive
58 21 reports by December 15, 2009.

58 22 Sec. 36. FULL-TIME EQUIVALENT POSITIONS == REDUCTIONS.
58 23 The director of the department or state agency to which
58 24 appropriations are made pursuant to this division of this Act,
58 25 in making any reductions in full-time equivalent positions,
58 26 shall, to the greatest extent possible, retain those positions
58 27 providing direct services to the public.

58 28 Sec. 37. REPORTS. Any reports or information required to
58 29 be compiled and submitted under this Act shall be submitted to
58 30 the chairpersons and ranking members of the joint
58 31 appropriations subcommittee on health and human services, the
58 32 legislative services agency, and the legislative caucus staffs
58 33 on or before the dates specified for submission of the reports
58 34 or information.

58 35 Sec. 38. EFFECTIVE DATE. The following provisions of this
59 1 division of this Act, being deemed of immediate importance,
59 2 take effect upon enactment:

59 3 The provision under the appropriation for child and family
59 4 services, relating to requirements of section 232.143 for
59 5 representatives of the department of human services and
59 6 juvenile court services to establish a plan for continuing
59 7 group foster care expenditures for fiscal year 2009=2010.

59 8 DIVISION II
59 9 SENIOR LIVING TRUST FUND,
59 10 PHARMACEUTICAL SETTLEMENT ACCOUNT,
59 11 IOWACARE ACCOUNT, AND HEALTH CARE
59 12 TRANSFORMATION ACCOUNT

59 13 Sec. 39. DEPARTMENT OF ELDER AFFAIRS. There is
59 14 appropriated from the senior living trust fund created in
59 15 section 249H.4 to the department of elder affairs for the
59 16 fiscal year beginning July 1, 2009, and ending June 30, 2010,
59 17 the following amount, or so much thereof as is necessary, to
59 18 be used for the purpose designated:

59 19 For the development and implementation of a comprehensive
59 20 senior living program, including case management only if the
59 21 monthly cost per client for case management for the frail
59 22 elderly services provided does not exceed the amount specified
59 23 in this section, and including program administration and
59 24 costs associated with implementation:

59 25 \$ 8,486,698

59 26 1. a. Of the funds appropriated in this section,
59 27 \$1,010,000 shall be transferred to the department of human
59 28 services in equal amounts on a quarterly basis for
59 29 reimbursement of case management services provided under the
59 30 medical assistance elderly waiver.

59 31 b. The monthly cost per client for case management for the
59 32 frail elderly services provided shall not exceed an average of
59 33 \$70. However, if the department of human services adopts
59 34 administrative rules revising the reimbursement methodology to
59 35 include 15 minute units, 24-hour on-call, and other
60 1 requirements consistent with federal regulations, the \$70
60 2 monthly cap shall be eliminated and replaced with a quarterly
60 3 projection of expenditures and reimbursement revisions
60 4 necessary to maintain expenditures within the amounts budgeted
60 5 under the appropriations made for the fiscal year for the
60 6 medical assistance program.

60 7 c. The department shall review projections for state
60 8 funding expenditures for reimbursement of case management

60 9 services under the medical assistance elderly waiver on a
60 10 quarterly basis and shall determine if an adjustment to the
60 11 medical assistance reimbursement rates are necessary to
60 12 provide reimbursement within the state funding amounts
60 13 budgeted under the appropriations made for the fiscal year for
60 14 the medical assistance program. Any temporary enhanced
60 15 federal financial participation that may become available for
60 16 the medical assistance program during the fiscal year shall
60 17 not be used in projecting the medical assistance elderly
60 18 waiver case management budget. The department shall revise
60 19 such reimbursement rates as necessary to maintain expenditures
60 20 for medical assistance elderly waiver case management services
60 21 within the state funding amounts budgeted under the
60 22 appropriations made for the fiscal year for the medical
60 23 assistance program.

60 24 2. Notwithstanding section 249H.7, the department of elder
60 25 affairs shall distribute funds appropriated in this section in
60 26 a manner that will supplement and maximize federal funds under
60 27 the federal Older Americans Act and shall not use the amount
60 28 distributed for any administrative purposes of either the
60 29 department of elder affairs or the area agencies on aging.

60 30 3. Of the funds appropriated in this section, \$60,000
60 31 shall be used to provide dementia-specific education to direct
60 32 care workers and other providers of long-term care to enhance
60 33 existing or scheduled efforts through the Iowa caregivers
60 34 association, the Alzheimer's association, and other
60 35 organizations identified as appropriate by the department.

61 1 Sec. 40. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
61 2 appropriated from the senior living trust fund created in
61 3 section 249H.4 to the department of inspections and appeals
61 4 for the fiscal year beginning July 1, 2009, and ending June
61 5 30, 2010, the following amount, or so much thereof as is
61 6 necessary, to be used for the purpose designated:

61 7 For the inspection and certification of assisted living
61 8 facilities and adult day care services, including program
61 9 administration and costs associated with implementation:

61 10 \$ 1,339,527

61 11 Sec. 41. IOWA FINANCE AUTHORITY. There is appropriated
61 12 from the senior living trust fund created in section 249H.4 to
61 13 the Iowa finance authority for the fiscal year beginning July
61 14 1, 2009, and ending June 30, 2010, the following amount, or so
61 15 much thereof as is necessary, to be used for the purposes
61 16 designated:

61 17 For the rent subsidy program, to provide reimbursement for
61 18 rent expenses to eligible persons:

61 19 \$ 700,000

61 20 Participation in the rent subsidy program shall be limited
61 21 to only those persons who meet the requirements for the
61 22 nursing facility level of care for home and community-based
61 23 services waiver services as in effect on July 1, 2009, and to
61 24 those individuals who are eligible for the federal money
61 25 follows the person grant program under the medical assistance
61 26 program.

61 27 Sec. 42. DEPARTMENT OF HUMAN SERVICES. Any funds
61 28 remaining in the senior living trust fund created in section
61 29 249H.4 following the appropriations from the senior living
61 30 trust fund made in this division of this Act to the department
61 31 of elder affairs, the department of inspections and appeals,
61 32 and the Iowa finance authority, for the fiscal year beginning
61 33 July 1, 2009, and ending June 30, 2010, are appropriated to
61 34 the department of human services to supplement the medical
61 35 assistance program appropriations made in this Act, including
62 1 program administration and costs associated with
62 2 implementation. In order to carry out the purposes of this
62 3 section, the department may transfer funds appropriated in
62 4 this section to supplement other appropriations made to the
62 5 department of human services.

62 6 Sec. 43. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
62 7 appropriated from the pharmaceutical settlement account
62 8 created in section 249A.33 to the department of human services
62 9 for the fiscal year beginning July 1, 2009, and ending June
62 10 30, 2010, the following amount, or so much thereof as is
62 11 necessary, to be used for the purpose designated:

62 12 To supplement the appropriations made for medical contracts
62 13 under the medical assistance program:

62 14 \$ 1,323,833

62 15 Sec. 44. APPROPRIATIONS FROM IOWACARE ACCOUNT.

62 16 1. There is appropriated from the IowaCare account created
62 17 in section 249J.24 to the state board of regents for
62 18 distribution to the university of Iowa hospitals and clinics
62 19 for the fiscal year beginning July 1, 2009, and ending June

62 20 30, 2010, the following amount, or so much thereof as is
62 21 necessary, to be used for the purposes designated:
62 22 For salaries, support, maintenance, equipment, and
62 23 miscellaneous purposes, for the provision of medical and
62 24 surgical treatment of indigent patients, for provision of
62 25 services to members of the expansion population pursuant to
62 26 chapter 249J, and for medical education:
62 27 \$ 27,284,584
62 28 a. Funds appropriated in this subsection shall not be used
62 29 to perform abortions except medically necessary abortions, and
62 30 shall not be used to operate the early termination of
62 31 pregnancy clinic except for the performance of medically
62 32 necessary abortions. For the purpose of this subsection, an
62 33 abortion is the purposeful interruption of pregnancy with the
62 34 intention other than to produce a live-born infant or to
62 35 remove a dead fetus, and a medically necessary abortion is one
63 1 performed under one of the following conditions:
63 2 (1) The attending physician certifies that continuing the
63 3 pregnancy would endanger the life of the pregnant woman.
63 4 (2) The attending physician certifies that the fetus is
63 5 physically deformed, mentally deficient, or afflicted with a
63 6 congenital illness.
63 7 (3) The pregnancy is the result of a rape which is
63 8 reported within 45 days of the incident to a law enforcement
63 9 agency or public or private health agency which may include a
63 10 family physician.
63 11 (4) The pregnancy is the result of incest which is
63 12 reported within 150 days of the incident to a law enforcement
63 13 agency or public or private health agency which may include a
63 14 family physician.
63 15 (5) The abortion is a spontaneous abortion, commonly known
63 16 as a miscarriage, wherein not all of the products of
63 17 conception are expelled.
63 18 b. Notwithstanding any provision of law to the contrary,
63 19 the amount appropriated in this subsection shall be allocated
63 20 in twelve equal monthly payments as provided in section
63 21 249J.24.
63 22 2. There is appropriated from the IowaCare account created
63 23 in section 249J.24 to the state board of regents for
63 24 distribution to the university of Iowa hospitals and clinics
63 25 for the fiscal year beginning July 1, 2009, and ending June
63 26 30, 2010, the following amount, or so much thereof as is
63 27 necessary, to be used for the purposes designated:
63 28 For salaries, support, maintenance, equipment, and
63 29 miscellaneous purposes, for the provision of medical and
63 30 surgical treatment of indigent patients, for provision of
63 31 services to members of the expansion population pursuant to
63 32 chapter 249J, and for medical education:
63 33 \$ 47,020,131
63 34 The amount appropriated in this subsection shall be
63 35 distributed only if expansion population claims adjudicated
64 1 and paid by the Iowa Medicaid enterprise exceed the
64 2 appropriation to the state board of regents for distribution
64 3 to the university of Iowa hospitals and clinics provided in
64 4 subsection 1. The amount appropriated in this subsection
64 5 shall be distributed monthly for expansion population claims
64 6 adjudicated and approved for payment by the Iowa Medicaid
64 7 enterprise using medical assistance program reimbursement
64 8 rates.
64 9 3. There is appropriated from the IowaCare account created
64 10 in section 249J.24 to the department of human services for the
64 11 fiscal year beginning July 1, 2009, and ending June 30, 2010,
64 12 the following amount, or so much thereof as is necessary, to
64 13 be used for the purposes designated:
64 14 For distribution to a publicly owned acute care teaching
64 15 hospital located in a county with a population over 350,000
64 16 for the provision of medical and surgical treatment of
64 17 indigent patients, for provision of services to members of the
64 18 expansion population pursuant to chapter 249J, and for medical
64 19 education:
64 20 \$ 46,000,000
64 21 a. Notwithstanding any provision of law to the contrary,
64 22 the amount appropriated in this subsection shall be allocated
64 23 in twelve equal monthly payments as provided in section
64 24 249J.24. Any amount appropriated in this subsection in excess
64 25 of \$41,000,000 shall be allocated only if federal funds are
64 26 available to match the amount allocated.
64 27 b. Notwithstanding the total amount of proceeds
64 28 distributed pursuant to section 249J.24, subsection 6,
64 29 paragraph "a", unnumbered paragraph 1, for the fiscal year
64 30 beginning July 1, 2009, and ending June 30, 2010, the county

64 31 treasurer of a county with a population of over 350,000 in
64 32 which a publicly owned acute care teaching hospital is located
64 33 shall distribute the proceeds collected pursuant to section
64 34 347.7 in a total amount of \$38,000,000, which would otherwise
64 35 be distributed to the county hospital, to the treasurer of
65 1 state for deposit in the IowaCare account.

65 2 c. (1) Notwithstanding the amount collected and
65 3 distributed for deposit in the IowaCare account pursuant to
65 4 section 249J.24, subsection 6, paragraph "a", subparagraph
65 5 (1), the first \$19,000,000 in proceeds collected pursuant to
65 6 section 347.7 between July 1, 2009, and December 31, 2009,
65 7 shall be distributed to the treasurer of state for deposit in
65 8 the IowaCare account and collections during this time period
65 9 in excess of \$19,000,000 shall be distributed to the acute
65 10 care teaching hospital identified in this subsection.

65 11 (2) Notwithstanding the amount collected and distributed
65 12 for deposit in the IowaCare account pursuant to section
65 13 249J.24, subsection 6, paragraph "a", subparagraph (2), the
65 14 first \$19,000,000 in collections pursuant to section 347.7
65 15 between January 1, 2010, and June 30, 2010, shall be
65 16 distributed to the treasurer of state for deposit in the
65 17 IowaCare account and collections during this time period in
65 18 excess of \$19,000,000 shall be distributed to the acute care
65 19 teaching hospital identified in this subsection.

65 20 Sec. 45. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
65 21 TRANSFORMATION. Notwithstanding any provision to the
65 22 contrary, there is appropriated from the account for health
65 23 care transformation created in section 249J.23 to the
65 24 department of human services for the fiscal year beginning
65 25 July 1, 2009, and ending June 30, 2010, the following amounts,
65 26 or so much thereof as is necessary, to be used for the
65 27 purposes designated:

65 28 1. For the costs of medical examinations and development
65 29 of personal health improvement plans for the expansion
65 30 population pursuant to section 249J.6:

65 31 \$ 556,800

65 32 2. For the provision of a medical information hotline for
65 33 the expansion population as provided in section 249J.6:

65 34 \$ 100,000

65 35 3. For other health promotion partnership activities
66 1 pursuant to section 249J.14:

66 2 \$ 600,000

66 3 4. For the costs related to audits, performance
66 4 evaluations, and studies required pursuant to chapter 249J:

66 5 \$ 125,000

66 6 5. For administrative costs associated with chapter 249J:

66 7 \$ 1,132,412

66 8 6. For planning and development, in cooperation with the
66 9 department of public health, of a phased-in program to provide
66 10 a dental home for children in accordance with section 249J.14,
66 11 subsection 7:

66 12 \$ 1,000,000

66 13 7. For continuation of the establishment of the tuition
66 14 assistance for individuals serving individuals with
66 15 disabilities pilot program, as enacted in 2008 Iowa Acts,
66 16 chapter 1187, section 130:

66 17 \$ 50,000

66 18 8. For payment to the publicly owned acute care teaching
66 19 hospital located in a county with a population of over 350,000
66 20 that is a participating provider pursuant to chapter 249J:

66 21 \$ 290,000

66 22 Disbursements under this subsection shall be made monthly.
66 23 The hospital shall submit a report following the close of the
66 24 fiscal year regarding use of the funds appropriated in this
66 25 subsection to the persons specified in this Act to receive
66 26 reports.

66 27 Notwithstanding section 8.39, subsection 1, without the
66 28 prior written consent and approval of the governor and the
66 29 director of the department of management, the director of
66 30 human services may transfer funds among the appropriations
66 31 made in this section as necessary to carry out the purposes of
66 32 the account for health care transformation. The department
66 33 shall report any transfers made pursuant to this section to
66 34 the legislative services agency.

66 35 Sec. 46. IOWACARE RENEWAL OF WAIVER. It is the intent of
67 1 the general assembly that the department of human services
67 2 apply for renewal of the IowaCare section 1115 demonstration
67 3 waiver under the medical assistance program. The department
67 4 shall seek to renew the existing terms of the waiver for an
67 5 additional five-year period and shall seek maximum expenditure
67 6 authority for payments to the state's four mental health

67 7 institutes. The IowaCare section 1115 demonstration waiver
67 8 renewal shall be amended to remove the limitation on new
67 9 provider taxes and shall transfer the seriously emotionally
67 10 disturbed children waiver to be approved as a section 1915(c)
67 11 home and community-based services waiver.
67 12 Sec. 47. MEDICAL ASSISTANCE PROGRAM == NONREVERSION FOR FY
67 13 2009=2010. Notwithstanding section 8.33, if moneys
67 14 appropriated for purposes of the medical assistance program
67 15 for the fiscal year beginning July 1, 2009, and ending June
67 16 30, 2010, from the general fund of the state, the senior
67 17 living trust fund, the health care trust fund, and the
67 18 property tax relief fund are in excess of actual expenditures
67 19 for the medical assistance program and remain unencumbered or
67 20 unobligated at the close of the fiscal year, the excess moneys
67 21 shall not revert but shall remain available for expenditure
67 22 for the purposes of the medical assistance program until the
67 23 close of the succeeding fiscal year.

67 24 DIVISION III
67 25 MH/MR/DD SERVICES
67 26 ALLOWED GROWTH FUNDING
67 27 FY 2009=2010

67 28 Sec. 48. 2008 Iowa Acts, chapter 1191, section 1, is
67 29 amended to read as follows:

67 30 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
67 31 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
67 32 ALLOCATIONS == FISCAL YEAR 2009=2010.

67 33 ~~1.~~ There is appropriated from the general fund of the
67 34 state to the department of human services for the fiscal year
67 35 beginning July 1, 2009, and ending June 30, 2010, the
68 1 following amount, or so much thereof as is necessary, to be
68 2 used for the purpose designated:

68 3 For distribution to counties of the county mental health,
68 4 mental retardation, and developmental disabilities allowed
68 5 growth factor adjustment for fiscal year 2009=2010 as provided
68 6 in this section in lieu of the allowed growth factor
68 7 provisions of section 331.438, subsection 2, and section
68 8 331.439, subsection 3, and chapter 426B:

68 9 \$ ~~69,949,069~~
68 10 54,108,770

68 11 ~~2. The amount appropriated in this section shall be~~
68 12 ~~allocated as provided in a later enactment of the general~~
68 13 ~~assembly.~~

68 14 Sec. 49. 2008 Iowa Acts, chapter 1191, section 1, as
68 15 amended by this division of this Act, is amended by adding the
68 16 following new subsections:

68 17 NEW SUBSECTION. 2. Of the amount appropriated in
68 18 subsection 1, \$12,000,000 shall be distributed as provided in
68 19 this subsection.

68 20 a. To be eligible to receive a distribution under this
68 21 subsection, a county must meet the following requirements:

68 22 (1) The county is levying for the maximum amount allowed
68 23 for the county's mental health, mental retardation, and
68 24 developmental disabilities services fund under section
68 25 331.424A for taxes due and payable in the fiscal year
68 26 beginning July 1, 2009, or the county is levying for at least
68 27 90 percent of the maximum amount allowed for the county's
68 28 services fund and that levy rate is more than \$2 per \$1,000 of
68 29 the assessed value of all taxable property in the county.

68 30 (2) In the fiscal year beginning July 1, 2007, the
68 31 county's mental health, mental retardation, and developmental
68 32 disabilities services fund ending balance under generally
68 33 accepted accounting principles was equal to or less than 15
68 34 percent of the county's actual gross expenditures for that
68 35 fiscal year.

69 1 b. A county's allocation of the amount appropriated in
69 2 this subsection shall be determined based upon the county's
69 3 proportion of the general population of the counties eligible
69 4 to receive an allocation under this subsection. The most
69 5 recent population estimates issued by the United States bureau
69 6 of the census shall be applied in determining population for
69 7 the purposes of this paragraph.

69 8 c. The allocations made pursuant to this subsection are
69 9 subject to the distribution provisions and withholding
69 10 requirements established in this section for the county mental
69 11 health, mental retardation, and developmental disabilities
69 12 allowed growth factor adjustment for the fiscal year beginning
69 13 July 1, 2009.

69 14 NEW SUBSECTION. 3. The funding appropriated in this
69 15 section is the allowed growth factor adjustment for fiscal
69 16 year 2009=2010, and shall be credited to the allowed growth
69 17 funding pool created in the property tax relief fund and for

69 18 distribution in accordance with section 426B.5, subsection 1:
69 19 \$ 42,108,770
69 20 NEW SUBSECTION. 4. The following formula amounts shall be
69 21 utilized only to calculate preliminary distribution amounts
69 22 for fiscal year 2009=2010 under this section by applying the
69 23 indicated formula provisions to the formula amounts and
69 24 producing a preliminary distribution total for each county:
69 25 a. For calculation of a distribution amount for eligible
69 26 counties from the allowed growth funding pool created in the
69 27 property tax relief fund in accordance with the requirements
69 28 in section 426B.5, subsection 1:
69 29 \$ 52,056,760
69 30 b. For calculation of a distribution amount for counties
69 31 from the mental health and developmental disabilities (MH/DD)
69 32 community services fund in accordance with the formula
69 33 provided in the appropriation made for the MH/DD community
69 34 services fund for the fiscal year beginning July 1, 2009:
69 35 \$ 15,790,111
70 1 NEW SUBSECTION. 5. After applying the applicable
70 2 statutory distribution formulas to the amounts indicated in
70 3 subsection 4 for purposes of producing preliminary
70 4 distribution totals, the department of human services shall
70 5 apply a withholding factor to adjust an eligible individual
70 6 county's preliminary distribution total. In order to be
70 7 eligible for a distribution under this section, a county must
70 8 be levying 90 percent or more of the maximum amount allowed
70 9 for the county's mental health, mental retardation, and
70 10 developmental disabilities services fund under section
70 11 331.424A for taxes due and payable in the fiscal year for
70 12 which the distribution is payable. An ending balance
70 13 percentage for each county shall be determined by expressing
70 14 the county's ending balance on a modified accrual basis under
70 15 generally accepted accounting principles for the fiscal year
70 16 beginning July 1, 2007, in the county's mental health, mental
70 17 retardation, and developmental disabilities services fund
70 18 created under section 331.424A, as a percentage of the
70 19 county's gross expenditures from that fund for that fiscal
70 20 year. If a county borrowed moneys for purposes of providing
70 21 services from the county's services fund on or before July 1,
70 22 2007, and the county's services fund ending balance for that
70 23 fiscal year includes the loan proceeds or an amount designated
70 24 in the county budget to service the loan for the borrowed
70 25 moneys, those amounts shall not be considered to be part of
70 26 the county's ending balance for purposes of calculating an
70 27 ending balance percentage under this subsection. The
70 28 withholding factor for a county shall be the following
70 29 applicable percent:
70 30 a. For an ending balance percentage of less than 5
70 31 percent, a withholding factor of 0 percent. In addition, a
70 32 county that is subject to this lettered paragraph shall
70 33 receive an inflation adjustment equal to 3 percent of the
70 34 gross expenditures reported for the county's services fund for
70 35 the fiscal year.
71 1 b. For an ending balance percentage of 5 percent or more
71 2 but less than 10 percent, a withholding factor of 0 percent.
71 3 In addition, a county that is subject to this lettered
71 4 paragraph shall receive an inflation adjustment equal to 2
71 5 percent of the gross expenditures reported for the county's
71 6 services fund for the fiscal year.
71 7 c. For an ending balance percentage of 10 percent or more
71 8 but less than 25 percent, a withholding factor of 25 percent.
71 9 However, for counties with an ending balance percentage of 10
71 10 percent or more but less than 15 percent, the amount withheld
71 11 shall be limited to the amount by which the county's ending
71 12 balance was in excess of the ending balance percentage of 10
71 13 percent.
71 14 d. For an ending balance percentage of 25 percent or more,
71 15 a withholding percentage of 100 percent.
71 16 NEW SUBSECTION. 6. The total withholding amounts applied
71 17 pursuant to subsection 5 shall be equal to a withholding
71 18 target amount of \$5,947,990. If the department of human
71 19 services determines that the amount to be withheld in
71 20 accordance with subsection 6 is not equal to the target
71 21 withholding amount, the department shall adjust the
71 22 withholding factors listed in subsection 6 as necessary to
71 23 achieve the target withholding amount. However, in making
71 24 such adjustments to the withholding factors, the department
71 25 shall strive to minimize changes to the withholding factors
71 26 for those ending balance percentage ranges that are lower than
71 27 others and shall not adjust the zero withholding factor or the
71 28 inflation adjustment percentage specified in subsection 5,

71 29 paragraph "a".
71 30 Sec. 50. ADULT MENTAL HEALTH AND DEVELOPMENTAL
71 31 DISABILITIES SERVICES SYSTEM TASK FORCE. The co-chairpersons
71 32 of the joint appropriations subcommittee on health and human
71 33 services shall appoint a task force of stakeholders for the
71 34 2009 legislative interim to address the service system
71 35 administered by counties for adult mental health and
72 1 developmental disabilities services. The task force shall
72 2 address both funding and service issues and may utilize a
72 3 facilitator to assist the process. The task force shall
72 4 submit a final report with recommendations to the governor and
72 5 general assembly for action during the 2010 legislative
72 6 session.

72 7 Sec. 51. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
72 8 DISABILITIES, AND BRAIN INJURY COMMISSION AND MENTAL HEALTH
72 9 PLANNING COUNCIL. During the fiscal year beginning July 1,
72 10 2009, the mental health, mental retardation, developmental
72 11 disabilities, and brain injury commission and the Iowa mental
72 12 health planning council established by the department of human
72 13 services pursuant to federal requirements for the community
72 14 mental health services block grant, or the officers of such
72 15 bodies, shall meet at least quarterly to coordinate the
72 16 efforts of the bodies.

72 17 DIVISION IV
72 18 HEALTH CARE TRUST FUND APPROPRIATIONS ==
72 19 HEALTH CARE ACTIVITIES

72 20 Sec. 52. DEPARTMENT OF PUBLIC HEALTH. In addition to any
72 21 other appropriation made in this Act for the purposes
72 22 designated, there is appropriated from the health care trust
72 23 fund created in section 453A.35A to the department of public
72 24 health for the fiscal year beginning July 1, 2009, and ending
72 25 June 30, 2010, the following amounts, or so much thereof as is
72 26 necessary, for the purposes designated:

72 27 1. ADDICTIVE DISORDERS

72 28 \$ 2,748,692

72 29 a. Of the funds appropriated in this subsection, \$357,871
72 30 shall be used for culturally competent substance abuse
72 31 treatment pilot projects.

72 32 (1) The department shall utilize the amount allocated in
72 33 this lettered paragraph for at least three pilot projects to
72 34 provide culturally competent substance abuse treatment in
72 35 various areas of the state. Each pilot project shall target a
73 1 particular ethnic minority population. The populations
73 2 targeted shall include but are not limited to
73 3 African-American, Asian, and Latino.

73 4 (2) The pilot project requirements shall provide for
73 5 documentation or other means to ensure access to the cultural
73 6 competence approach used by a pilot project so that such
73 7 approach can be replicated and improved upon in successor
73 8 programs.

73 9 b. Of the funds appropriated in this subsection,
73 10 \$1,597,656 shall be used for tobacco use prevention,
73 11 cessation, and treatment. The department shall utilize the
73 12 funds to provide for a variety of activities related to
73 13 tobacco use prevention, cessation, and treatment including to
73 14 support Quitline Iowa, QuitNet cessation counseling and
73 15 education, grants to school districts and community
73 16 organizations to support Just Eliminate Lies youth chapters
73 17 and youth tobacco prevention activities, the Just Eliminate
73 18 Lies tobacco prevention media campaign, nicotine replacement
73 19 therapy, and other prevention and cessation materials and
73 20 media promotion.

73 21 c. Of the funds appropriated in this subsection, \$793,166
73 22 shall be used for substance abuse treatment activities.

73 23 2. HEALTHY CHILDREN AND FAMILIES

73 24 \$ 493,574

73 25 a. Of the funds appropriated in this subsection, \$159,603
73 26 shall be used to address the healthy mental development of
73 27 children from birth through five years of age through local
73 28 evidence-based strategies that engage both the public and
73 29 private sectors in promoting healthy development, prevention,
73 30 and treatment for children.

73 31 b. Of the funds appropriated in this subsection, \$143,643
73 32 shall be used for childhood obesity prevention.

73 33 c. Of the funds appropriated in this subsection, \$190,328
73 34 shall be used to provide audiological services and hearing
73 35 aids for children. The department may enter into a contract
74 1 to administer this paragraph.

74 2 d. It is the intent of the general assembly that the
74 3 department of public health shall implement the
74 4 recommendations of the postnatal tissue and fluid bank task

74 5 force created in 2007 Iowa Acts, chapter 147, based upon the
74 6 report submitted to the general assembly in November 2007, as
74 7 funding becomes available. The department shall notify the
74 8 Iowa Code editor and the persons specified in this Act to
74 9 receive reports when such funding becomes available.
74 10 3. CHRONIC CONDITIONS
74 11 \$ 891,219
74 12 a. Of the funds appropriated in this subsection, \$383,271
74 13 shall be used for child health specialty clinics.
74 14 b. Of the funds appropriated in this subsection, \$346,224
74 15 shall be used for the comprehensive cancer control program to
74 16 reduce the burden of cancer in Iowa through prevention, early
74 17 detection, effective treatment, and ensuring quality of life.
74 18 The department shall utilize one of the full-time equivalent
74 19 positions authorized in this subsection for administration of
74 20 the activities related to the comprehensive cancer control
74 21 program.
74 22 c. Of the funds appropriated in this subsection, \$161,724
74 23 shall be used for cervical and colon cancer screening.
74 24 4. COMMUNITY CAPACITY
74 25 \$ 2,253,507
74 26 a. Of the funds appropriated in this subsection, \$61,349
74 27 shall be used to further develop and implement at the state
74 28 level, and pilot at the local level, the Iowa public health
74 29 standards approved by the department.
74 30 b. Of the funds appropriated in this subsection, \$163,600
74 31 shall be used for the mental health professional shortage area
74 32 program implemented pursuant to section 135.80.
74 33 c. Of the funds appropriated in this subsection, \$40,900
74 34 shall be used for a grant to a statewide association of
74 35 psychologists that is affiliated with the American
75 1 psychological association to be used for continuation of a
75 2 program to rotate intern psychologists in placements in urban
75 3 and rural mental health professional shortage areas, as
75 4 defined in section 135.80.
75 5 d. Of the funds appropriated in this subsection, the
75 6 following amounts shall be allocated to the Iowa collaborative
75 7 safety net provider network established pursuant to section
75 8 135.153 to be used for the purposes designated:
75 9 (1) For distribution to the Iowa=Nebraska primary care
75 10 association for statewide coordination of the Iowa
75 11 collaborative safety net provider network:
75 12 \$ 81,800
75 13 (2) For distribution to the Iowa family planning network
75 14 agencies for necessary infrastructure, statewide coordination,
75 15 provider recruitment, service delivery, and provision of
75 16 assistance to patients in determining an appropriate medical
75 17 home:
75 18 \$ 82,796
75 19 (3) For distribution to the local boards of health that
75 20 provide direct services for pilot programs in three counties
75 21 to assist patients in determining an appropriate medical home:
75 22 \$ 82,796
75 23 (4) For distribution to maternal and child health centers
75 24 for pilot programs in three counties to assist patients in
75 25 determining an appropriate medical home:
75 26 \$ 82,796
75 27 (5) For distribution to free clinics for necessary
75 28 infrastructure, statewide coordination, provider recruitment,
75 29 service delivery, and provision of assistance to patients in
75 30 determining an appropriate medical home:
75 31 \$ 204,500
75 32 (6) For distribution to rural health clinics for necessary
75 33 infrastructure, statewide coordination, provider recruitment,
75 34 service delivery, and provision of assistance to patients in
75 35 determining an appropriate medical home:
76 1 \$ 122,700
76 2 (7) For continuation of the safety net provider patient
76 3 access to specialty health care initiative as described in
76 4 2007 Iowa Acts, ch. 218, section 109:
76 5 \$ 327,200
76 6 (8) For continuation of the pharmaceutical infrastructure
76 7 for safety net providers as described in 2007 Iowa Acts, ch.
76 8 218, section 108:
76 9 \$ 327,200
76 10 The Iowa collaborative safety net provider network may
76 11 continue to distribute funds allocated pursuant to this
76 12 lettered paragraph through existing contracts or renewal of
76 13 existing contracts.
76 14 e. Of the funds appropriated in this subsection, \$500,000
76 15 shall be used for the incubation grant program to community

76 16 health centers that receive a total score of 85 based on the
 76 17 evaluation criteria of the health resources and services
 76 18 administration of the United States department of health and
 76 19 human services.
 76 20 f. The department may utilize one of the full-time
 76 21 equivalent positions authorized in this subsection for
 76 22 administration of the activities related to the Iowa
 76 23 collaborative safety net provider network.
 76 24 g. The department may utilize one of the full-time
 76 25 equivalent positions authorized in this subsection for
 76 26 administration of the volunteer health care provider program
 76 27 pursuant to section 135.24.
 76 28 Sec. 53. DEPARTMENT OF HUMAN SERVICES. In addition to any
 76 29 other appropriation made in this Act for the purposes
 76 30 designated, there is appropriated from the health care trust
 76 31 fund created in section 453A.35A to the department of human
 76 32 services for the fiscal year beginning July 1, 2009, and
 76 33 ending June 30, 2010, the following amount, or so much thereof
 76 34 as is necessary, for the purpose designated:
 76 35 MEDICAL ASSISTANCE
 77 1 \$111,409,156
 77 2 Sec. 54. Section 453A.35, subsection 1, Code 2009, is
 77 3 amended to read as follows:
 77 4 1. The proceeds derived from the sale of stamps and the
 77 5 payment of taxes, fees, and penalties provided for under this
 77 6 chapter, and the permit fees received from all permits issued
 77 7 by the department, shall be credited to the general fund of
 77 8 the state. However, ~~beginning July 1, 2007,~~ of the revenues
 77 9 generated from the tax on cigarettes pursuant to section
 77 10 453A.6, subsection 1, and from the tax on tobacco products as
 77 11 specified in section 453A.43, subsections 1, 2, 3, and 4, and
 77 12 credited to the general fund of the state under this
 77 13 subsection, there is appropriated, annually, to the health
 77 14 care trust fund created in section 453A.35A, the first one
 77 15 hundred ~~twenty-seven sixteen~~ million ~~six seven~~ hundred
 77 16 ~~ninety-six~~ thousand dollars.
 77 17 DIVISION V
 77 18 IOWACARE
 77 19 Sec. 55. 2008 Iowa Acts, chapter 1187, section 44,
 77 20 subsection 3, is amended to read as follows:
 77 21 3. There is appropriated from the IowaCare account created
 77 22 in section 249J.24 to the department of human services for the
 77 23 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 77 24 the following amount, or so much thereof as is necessary, to
 77 25 be used for the purposes designated:
 77 26 For distribution to a publicly owned acute care teaching
 77 27 hospital located in a county with a population over three
 77 28 hundred fifty thousand for the provision of medical and
 77 29 surgical treatment of indigent patients, for provision of
 77 30 services to members of the expansion population pursuant to
 77 31 chapter 249J, and for medical education:
 77 32 \$ ~~40,000,000~~
 77 33 46,000,000
 77 34 Notwithstanding any provision of law to the contrary, the
 77 35 amount appropriated in this subsection shall be allocated in
 78 1 twelve equal monthly payments as provided in section 249J.24.
 78 2 Any amount appropriated in this subsection in excess of
 78 3 ~~\$37,000,000~~ 41,000,000 shall be allocated only if federal
 78 4 funds are available to match the amount allocated.
 78 5 Sec. 56. IOWACARE ACCOUNT == DISTRIBUTION AND DEPOSIT OF
 78 6 PROCEEDS OF HOSPITAL TAX LEVY.
 78 7 1. Notwithstanding the total amount of proceeds
 78 8 distributed pursuant to section 249J.24, subsection 6,
 78 9 paragraph "a", unnumbered paragraph 1, for the fiscal period
 78 10 beginning July 1, 2008, and ending June 30, 2009, the county
 78 11 treasurer of a county with a population over 350,000 in which
 78 12 a publicly owned acute care teaching hospital is located shall
 78 13 distribute the proceeds collected pursuant to section 347.7 in
 78 14 a total amount of \$38,000,000, which would otherwise be
 78 15 distributed to the county hospital, to the treasurer of state
 78 16 for deposit in the IowaCare account.
 78 17 2. Notwithstanding the amount collected and distributed
 78 18 for deposit in the IowaCare account pursuant to section
 78 19 249J.24, subsection 6, paragraph "a", subparagraph (2), the
 78 20 first \$21,000,000 in proceeds collected pursuant to section
 78 21 347.7 between January 1, 2009, and June 30, 2009, shall be
 78 22 distributed to the treasurer of state for deposit in the
 78 23 IowaCare account and collections during this time period in
 78 24 excess of \$21,000,000 shall be distributed to the acute care
 78 25 teaching hospital identified in section 249J.24, subsection 6.
 78 26 Sec. 57. EFFECTIVE DATE == RETROACTIVITY. This division

78 27 of this Act, being deemed of immediate importance, takes
78 28 effect upon enactment and is retroactively applicable to July
78 29 1, 2008.

78 30 DIVISION VI

78 31 APPROPRIATIONS == RELATED CHANGES

78 32 ADDICTIVE DISORDERS == GENERAL FUND

78 33 Sec. 58. 2008 Iowa Acts, chapter 1187, section 2,
78 34 subsection 1, is amended by adding the following new
78 35 paragraph:

79 1 NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys
79 2 appropriated in this subsection that remain unencumbered or
79 3 unobligated at the close of the fiscal year shall not revert
79 4 but shall remain available for expenditure for the purposes
79 5 designated until the close of the succeeding fiscal year.

79 6 GAMBLING TREATMENT FUND

79 7 Sec. 59. 2008 Iowa Acts, chapter 1187, section 3, is
79 8 amended by adding the following new subsection:

79 9 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
79 10 appropriated in this section that remain unencumbered or
79 11 unobligated at the close of the fiscal year shall not revert
79 12 but shall remain available for expenditure for the purposes
79 13 designated until the close of the succeeding fiscal year.

79 14 IOWA VETERANS HOME FTES

79 15 Sec. 60. 2008 Iowa Acts, chapter 1187, section 4,
79 16 subsection 2, is amended to read as follows:

79 17 2. IOWA VETERANS HOME

79 18 For salaries, support, maintenance, and miscellaneous
79 19 purposes, ~~and for not more than the following full-time~~
79 20 ~~equivalent positions:~~

79 21 \$ 12,694,154
79 22 ~~FTEs 951.95~~

79 23 a. The Iowa veterans home billings involving the
79 24 department of human services shall be submitted to the
79 25 department on at least a monthly basis.

79 26 b. If there is a change in the employer of employees
79 27 providing services at the Iowa veterans home under a
79 28 collective bargaining agreement, such employees and the
79 29 agreement shall be continued by the successor employer as
79 30 though there had not been a change in employer.

79 31 MEDICAL ASSISTANCE

79 32 Sec. 61. 2008 Iowa Acts, chapter 1187, section 9,
79 33 unnumbered paragraph 2, is amended to read as follows:

79 34 For medical assistance reimbursement and associated costs
79 35 as specifically provided in the reimbursement methodologies in
80 1 effect on June 30, 2008, except as otherwise expressly
80 2 authorized by law, including reimbursement for abortion
80 3 services which shall be available under the medical assistance
80 4 program only for those abortions which are medically
80 5 necessary:

80 6 ~~\$649,629,269~~
80 7 ~~593,302,330~~

80 8 EMERGENCY AND CHILDRENS MENTAL HEALTH SERVICE

80 9 Sec. 62. 2008 Iowa Acts, chapter 1187, section 9,
80 10 subsection 20, is amended by adding the following new
80 11 paragraph:

80 12 NEW PARAGRAPH. cc. The department shall revise the
80 13 provisions for the projects to implement an emergency mental
80 14 health crisis services system and a mental health services
80 15 system for children and youth under paragraph "c",
80 16 subparagraphs (1) and (2), in order for services to be
80 17 provided under both of the projects for a period of at least
80 18 24 months. Notwithstanding section 8.33, moneys allocated for
80 19 the projects in paragraph "c" of this subsection that remain
80 20 unencumbered or unobligated at the close of the fiscal year
80 21 shall not revert but shall remain available for expenditure
80 22 for the purposes designated until the close of the fiscal year
80 23 that begins July 1, 2010.

80 24 STATE SUPPLEMENTARY ASSISTANCE

80 25 Sec. 63. 2008 Iowa Acts, chapter 1187, section 12, is
80 26 amended by adding the following new subsection:

80 27 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
80 28 appropriated in this section that remain unencumbered or
80 29 unobligated at the close of the fiscal year shall remain
80 30 available for expenditure for the state supplementary
80 31 assistance program until the close of the succeeding fiscal
80 32 year.

80 33 NURSING FACILITIES

80 34 Sec. 64. 2008 Iowa Acts, chapter 1187, section 32,
80 35 subsection 1, paragraph a, subparagraph (1), is amended to
81 1 read as follows:

81 2 (1) For the fiscal year beginning July 1, 2008, the total

81 3 state funding amount for the nursing facility budget shall not
81 4 exceed ~~\$183,367,323~~ \$158,482,025.

81 5 DEPARTMENT OF ELDER AFFAIRS == MATCHING FUNDS

81 6 Sec. 65. 2008 Iowa Acts, chapter 1187, section 39, is
81 7 amended by adding the following new subsection:
81 8 NEW SUBSECTION. 4. Notwithstanding section 8.33, of the
81 9 funds appropriated in this section, \$216,242 shall not revert
81 10 at the close of the fiscal year, but shall remain available to
81 11 provide matching funds for the senior nutrition programs
81 12 funded through the federal American Reinvestment and Recovery
81 13 Act of 2009 for the period during which federal funding is
81 14 available under the Act.

81 15 MEDICAL ASSISTANCE PROGRAM NONREVERSION

81 16 Sec. 66. 2008 Iowa Acts, chapter 1187, section 50, is
81 17 amended to read as follows:

81 18 SEC. 50. MEDICAL ASSISTANCE PROGRAM == ~~REVERSION TO SENIOR~~
~~81 19 LIVING TRUST FUND NONREVERSION~~ FOR FY 2008=2009.
81 20 Notwithstanding section 8.33, if moneys appropriated for
81 21 purposes of the medical assistance program for the fiscal year
81 22 beginning July 1, 2008, and ending June 30, 2009, from the
81 23 general fund of the state, the senior living trust fund, the
81 24 healthy Iowans tobacco trust fund, the health care trust fund,
81 25 and the property tax relief fund are in excess of actual
81 26 expenditures for the medical assistance program and remain
81 27 unencumbered or unobligated at the close of the fiscal year,
81 28 the excess moneys shall not revert but shall ~~be transferred to~~
~~81 29 the senior living trust fund created in section 249H.4 remain~~
81 30 available for expenditure for the purposes of the medical
81 31 assistance program until the close of the fiscal year
81 32 beginning July 1, 2009.

81 33 ADDICTIVE DISORDERS == HEALTH CARE TRUST FUND

81 34 Sec. 67. 2008 Iowa Acts, chapter 1187, section 62,
81 35 subsection 1, is amended by adding the following new
82 1 paragraph:
82 2 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
82 3 appropriated in this subsection that remain unencumbered or
82 4 unobligated at the close of the fiscal year shall not revert
82 5 but shall remain available for expenditure for the purposes
82 6 designated until the close of the succeeding fiscal year.

82 7 VIETNAM CONFLICT VETERANS BONUS FUND

82 8 Sec. 68. 2007 Iowa Acts, chapter 176, section 3,
82 9 unnumbered paragraph 3, as enacted by 2008 Iowa Acts, chapter
82 10 1187, section 68, is amended to read as follows:
82 11 Notwithstanding section 8.33, moneys appropriated in this
82 12 section that remain unencumbered or unobligated at the close
82 13 of the fiscal year shall not revert but shall remain available
82 14 for expenditure for the purposes designated until the close of
82 15 the ~~succeeding~~ fiscal year beginning July 1, 2009.

82 16 INJURED VETERANS GRANT PROGRAM

82 17 Sec. 69. 2006 Iowa Acts, chapter 1184, section 5, as
82 18 enacted by 2007 Iowa Acts, chapter 203, section 1, subsection
82 19 4, unnumbered paragraph 2, and amended by 2008 Iowa Acts,
82 20 chapter 1187, section 69, is amended to read as follows:
82 21 Notwithstanding section 8.33, moneys appropriated in this
82 22 subsection that remain unencumbered or unobligated at the
82 23 close of the fiscal year shall not revert but shall remain
82 24 available for expenditure for the purposes designated until
82 25 the close of the fiscal year beginning July 1, ~~2008~~ 2009.

82 26 Sec. 70. 2008 Iowa Acts, chapter 1188, section 16, is
82 27 amended to read as follows:

82 28 SEC. 16. MEDICAL ASSISTANCE, HAWK=I, AND HAWK=I EXPANSION
82 29 PROGRAMS == COVERING CHILDREN == APPROPRIATION. There is
82 30 appropriated from the general fund of the state to the
82 31 department of human services for the designated fiscal years,
82 32 the following amounts, or so much thereof as is necessary, for
82 33 the purpose designated:

82 34 To cover children as provided in this Act under the medical
82 35 assistance, hawk=i, and hawk=i expansion programs and outreach

83 1 under the current structure of the programs:

83 2 FY 2008=2009	\$ 4,800,000
83 3 FY 2009=2010	\$ 14,800,000
83 4	<u>4,207,001</u>
83 5 FY 2010=2011	\$ 24,800,000

83 6 Sec. 71. CHILD CARE CREDIT FUND BALANCE TRANSFERRED.

83 7 Moneys in the child care credit fund that remain unencumbered
83 8 or unobligated at the close of the fiscal year beginning July
83 9 1, 2008, are transferred to the general fund of the state.

83 10 Sec. 72. ADDICTIVE DISORDERS NONREVERSION DIRECTIVE. The
83 11 authority provided in this division of this Act for
83 12 nonreversion of the appropriations for addictive disorder
83 13 conditions referenced in this section is limited to \$1,000,000

83 14 and shall be realized by applying the authority to such
83 15 appropriations in the following order until the limitation
83 16 amount is reached:

- 83 17 1. The appropriation made from the gambling treatment fund
83 18 in 2008 Iowa Acts, chapter 1187, section 3.
- 83 19 2. The appropriation made from the health care trust fund
83 20 in 2008 Iowa Acts, chapter 1187, section 62, subsection 1.
- 83 21 3. The appropriation made from the general fund of the
83 22 state in 2008 Iowa Acts, chapter 1187, section 2, subsection
83 23 1.

83 24 Sec. 73. EFFECTIVE DATE. This division of this Act, being
83 25 deemed of immediate importance, takes effect upon enactment.

83 26 DIVISION VII
83 27 HEPATITIS AWARENESS

83 28 Sec. 74. Section 135.19, Code 2009, is amended to read as
83 29 follows:

83 30 135.19 VIRAL HEPATITIS PROGRAM == AWARENESS, VACCINATIONS,
83 31 AND TESTING == STUDY.

- 83 32 1. If sufficient funds are appropriated by the general
83 33 assembly, the department shall establish and administer a
83 34 viral hepatitis program. The goal of the program shall be to
83 35 distribute information to citizens of this state who are at an
84 1 increased risk for exposure to viral hepatitis regarding the
84 2 higher incidence of hepatitis C exposure and infection among
84 3 these populations, the dangers presented by the disease, and
84 4 contacts for additional information and referrals. The
84 5 program shall also make available hepatitis A and hepatitis B
84 6 vaccinations, and hepatitis C testing.

- 84 7 2. The department shall establish by rule a list of
84 8 individuals by category who are at increased risk for viral
84 9 hepatitis exposure. The list shall be consistent with
84 10 recommendations developed by the centers for disease control,
84 11 and shall be developed in consultation with the Iowa viral
84 12 hepatitis task force and the Iowa department of veterans
84 13 affairs. The department shall also establish by rule what
84 14 information is to be distributed and the form and manner of
84 15 distribution. The rules shall also establish a vaccination
84 16 and testing program, to be coordinated by the department
84 17 through local health departments and clinics and other
84 18 appropriate locations.

- 84 19 3. ~~The department shall conduct a study to provide an~~
84 20 ~~epidemiological profile of hepatitis C and to assess its~~
84 21 ~~current and future impact on the state. The department shall~~
84 22 ~~submit a report to the members of the general assembly by~~
84 23 ~~January 1, 2008, regarding the results of the study, and shall~~
84 24 ~~include a status report regarding the development and~~
84 25 ~~distribution of viral hepatitis information, and the results~~
84 26 ~~of the vaccination and testing program.~~

84 27 Sec. 75. Section 135.20, Code 2009, is repealed.

84 28 DIVISION VIII
84 29 SENIOR LIVING COORDINATING UNIT

84 30 Sec. 76. Section 231.14, Code 2009, is amended to read as
84 31 follows:

84 32 231.14 COMMISSION DUTIES AND AUTHORITY.

84 33 The commission is the policymaking body of the sole state
84 34 agency responsible for administration of the federal Act. The
84 35 commission shall adopt administrative rules pursuant to
85 1 chapter 17A to administer the duties specified in this chapter
85 2 and in all other chapters under the department's jurisdiction.

85 3 The commission shall:

- 85 4 1. Approve state and area plans on aging.
- 85 5 2. Adopt policies to coordinate state activities related
85 6 to the purposes of this chapter.
- 85 7 3. Serve as an effective and visible advocate for elders
85 8 by establishing policies for reviewing and commenting upon all
85 9 state plans, budgets, and policies which affect elders and for
85 10 providing technical assistance to any agency, organization,
85 11 association, or individual representing the needs of elders.
- 85 12 4. Divide the state into distinct planning and service
85 13 areas after considering the geographical distribution of
85 14 elders in the state, the incidence of the need for supportive
85 15 services, nutrition services, multipurpose senior centers, and
85 16 legal services, the distribution of elders who have low
85 17 incomes residing in such areas, the distribution of resources
85 18 available to provide such services or centers, the boundaries
85 19 of existing areas within the state which are drawn for the
85 20 planning or administration of supportive services programs,
85 21 the location of units of general purpose, local government
85 22 within the state, and any other relevant factors.
- 85 23 5. Designate for each planning and service area a public
85 24 or private nonprofit agency or organization as the area agency

85 25 on aging for that area.
85 26 6. Adopt policies to assure that the department will take
85 27 into account the views of elders in the development of policy.
85 28 7. Adopt a formula for the distribution of federal Act,
85 29 state elder services, and senior living program funds taking
85 30 into account, to the maximum extent feasible, the best
85 31 available data on the geographic distribution of elders in the
85 32 state, and publish the formula for review and comment.
85 33 8. Adopt policies and measures to assure that preference
85 34 will be given to providing services to elders with the
85 35 greatest economic or social needs, with particular attention
86 1 to low-income minority elders.
86 2 9. Adopt policies to administer state programs authorized
86 3 by this chapter.
86 4 10. Work in collaboration with the director of human
86 5 services, the director of public health, and the director of
86 6 the department of inspections and appeals to do all of the
86 7 following:
86 8 a. Develop, for legislative review, the mechanisms and
86 9 procedures necessary to implement a case-managed system of
86 10 long-term care based on a uniform comprehensive assessment
86 11 tool.
86 12 b. Develop common intake and release procedures for the
86 13 purpose of determining eligibility at one point of intake and
86 14 determining eligibility for programs administered by the
86 15 departments of human services, public health, and elder
86 16 affairs, such as the medical assistance program, federal food
86 17 assistance programs, homemaker-home health aide programs, and
86 18 the case management program for frail elders administered by
86 19 the department of elder affairs.
86 20 c. Develop common definitions for long-term care services.
86 21 d. Develop procedures for coordination at the local and
86 22 state level among the providers of long-term care.
86 23 e. Prepare a long-range plan for the provision of
86 24 long-term care services within the state.
86 25 f. Propose rules and procedures for the development of a
86 26 comprehensive long-term care system.
86 27 g. Submit a report of its activities under this subsection
86 28 to the governor and general assembly on January 15 of each
86 29 year.
86 30 h. Provide direction and oversight for disbursement of
86 31 moneys from the senior living trust fund created in section
86 32 249H.4.
86 33 i. Consult with the state universities and other
86 34 institutions with expertise in the area of elder issues and
86 35 the long-term care continua.
87 1 ~~The commission shall adopt administrative rules pursuant to~~
87 2 ~~chapter 17A to administer the duties specified in this chapter~~
87 3 ~~and in all other chapters under the department's jurisdiction.~~
87 4 Sec. 77. Section 249H.3, Code 2009, is amended by adding
87 5 the following new subsection:
87 6 NEW SUBSECTION. 3A. "Commission" means the commission of
87 7 elder affairs.
87 8 Sec. 78. Section 249H.3, subsection 6, paragraph b, Code
87 9 2009, is amended to read as follows:
87 10 b. New construction for long-term care alternatives,
87 11 excluding new construction of assisted-living programs or
87 12 elder group homes, if the ~~senior living coordinating unit~~
87 13 commission determines that new construction is more
87 14 cost-effective than the conversion of existing space.
87 15 Sec. 79. Section 249H.3, subsection 8, paragraph b, Code
87 16 2009, is amended to read as follows:
87 17 b. New construction of an assisted-living program if
87 18 existing nursing facility beds are no longer licensed and the
87 19 ~~senior living coordinating unit~~ commission determines that new
87 20 construction is more cost-effective than the conversion of
87 21 existing space.
87 22 Sec. 80. Section 249H.3, subsection 12, Code 2009, is
87 23 amended by striking the subsection.
87 24 Sec. 81. Section 249H.4, subsection 6, Code 2009, is
87 25 amended to read as follows:
87 26 6. The treasurer of state shall provide a quarterly report
87 27 of trust fund activities and balances to the ~~senior living~~
87 28 ~~coordinating unit commission.~~
87 29 Sec. 82. Section 249H.7, subsection 1, Code 2009, is
87 30 amended to read as follows:
87 31 1. Beginning October 1, 2000, the department of elder
87 32 affairs, in consultation with the ~~senior living coordinating~~
87 33 ~~unit commission~~, shall use funds appropriated from the senior
87 34 living trust fund for activities related to the design,
87 35 maintenance, or expansion of home and community-based services

88 1 for seniors, including but not limited to adult day services,
88 2 personal care, respite, homemaker, chore, and transportation
88 3 services designed to promote the independence of and to delay
88 4 the use of institutional care by seniors with low and moderate
88 5 incomes. At any time that moneys are appropriated, the
88 6 department of elder affairs, in consultation with the ~~senior~~
~~88 7 living coordinating unit commission~~, shall disburse the funds
88 8 to the area agencies on aging.
88 9 Sec. 83. Section 249H.7, subsection 2, unnumbered
88 10 paragraph 1, Code 2009, is amended to read as follows:
88 11 The department of elder affairs shall adopt rules, in
88 12 consultation with the ~~senior living coordinating unit~~
88 13 ~~commission~~ and the area agencies on aging, pursuant to chapter
88 14 17A, to provide all of the following:
88 15 Sec. 84. Section 249H.7, subsection 2, paragraph c, Code
88 16 2009, is amended to read as follows:
88 17 c. Other procedures the department of elder affairs deems
88 18 necessary for the proper administration of this section,
88 19 including but not limited to the submission of progress
88 20 reports, on a bimonthly basis, to the ~~senior living~~
~~88 21 coordinating unit commission~~.
88 22 Sec. 85. Section 249H.9, subsection 1, Code 2009, is
88 23 amended to read as follows:
88 24 1. The department of elder affairs and the area agencies
88 25 on aging, in consultation with the ~~senior living coordinating~~
~~88 26 unit commission~~, shall create, on a county basis, a database
88 27 directory of all health care and support services available to
88 28 seniors. The department of elder affairs shall make the
88 29 database electronically available to the public, and shall
88 30 update the database on at least a monthly basis.
88 31 Sec. 86. Section 249H.10, Code 2009, is amended to read as
88 32 follows:
88 33 249H.10 CAREGIVER SUPPORT == ACCESS AND EDUCATION
88 34 PROGRAMS.
88 35 The department of human services and the department of
89 1 elder affairs, in consultation with the ~~senior living~~
~~89 2 coordinating unit commission~~, shall implement a caregiver
89 3 support program to provide access to respite care and to
89 4 provide education to caregivers in providing appropriate care
89 5 to seniors and persons with disabilities. The program shall
89 6 be provided through the area agencies on aging or other
89 7 appropriate agencies.
89 8 Sec. 87. Section 231.58, Code 2009, is repealed.
89 9
89 10 DIVISION IX
89 11 GAMBLING TREATMENT FUND ELIMINATION
89 12 Sec. 88. Section 99D.7, subsection 22, Code 2009, is
89 13 amended to read as follows:
89 14 22. To require licensees to establish a process to allow a
89 15 person to be voluntarily excluded for life from a racetrack
89 16 enclosure and all other licensed facilities under this chapter
89 17 and chapter 99F. The process established shall require that a
89 18 licensee disseminate information regarding persons voluntarily
89 19 excluded to all licensees under this chapter and chapter 99F.
89 20 The state and any licensee under this chapter or chapter 99F
89 21 shall not be liable to any person for any claim which may
89 22 arise from this process. In addition to any other penalty
89 23 provided by law, any money or thing of value that has been
89 24 obtained by, or is owed to, a voluntarily excluded person by a
89 25 licensee as a result of wagers made by the person after the
89 26 person has been voluntarily excluded shall not be paid to the
89 27 person but shall be ~~deposited into~~ credited to the ~~gambling~~
~~89 27 treatment general fund created in section 135.150 of the~~
~~89 28 state~~.
89 29 Sec. 89. Section 99D.15, subsection 5, Code 2009, is
89 30 amended by striking the subsection.
89 31 Sec. 90. Section 99F.4, subsection 22, Code 2009, is
89 32 amended to read as follows:
89 33 22. To require licensees to establish a process to allow a
89 34 person to be voluntarily excluded for life from an excursion
89 35 gambling boat and all other licensed facilities under this
90 1 chapter and chapter 99D. The process established shall
90 2 require that a licensee disseminate information regarding
90 3 persons voluntarily excluded to all licensees under this
90 4 chapter and chapter 99D. The state and any licensee under
90 5 this chapter or chapter 99D shall not be liable to any person
90 6 for any claim which may arise from this process. In addition
90 7 to any other penalty provided by law, any money or thing of
90 8 value that has been obtained by, or is owed to, a voluntarily
90 9 excluded person by a licensee as a result of wagers made by
90 10 the person after the person has been voluntarily excluded
90 11 shall not be paid to the person but shall be ~~deposited into~~

90 12 ~~credited to the gambling treatment general fund created in~~
90 13 ~~section 135.150 of the state.~~
90 14 Sec. 91. Section 99F.11, subsection 3, paragraph c, Code
90 15 2009, is amended by striking the paragraph.
90 16 Sec. 92. Section 99G.39, subsection 1, Code 2009, is
90 17 amended to read as follows:
90 18 1. Upon receipt of any revenue, the chief executive
90 19 officer shall deposit the moneys in the lottery fund created
90 20 pursuant to section 99G.40. At least fifty percent of the
90 21 projected annual revenue accruing from the sale of tickets or
90 22 shares shall be allocated for payment of prizes to the holders
90 23 of winning tickets. After the payment of prizes, the
90 24 ~~following shall be deducted from the authority's revenue prior~~
90 25 ~~to disbursement:~~
90 26 a. ~~An amount equal to one-half of one percent of the gross~~
90 27 ~~lottery revenue for the year shall be deposited in the~~
90 28 ~~gambling treatment fund created in section 135.150.~~
90 29 b. ~~The expenses of conducting the lottery shall be~~
90 30 ~~deducted from the authority's revenue prior to disbursement.~~
90 31 Expenses for advertising production and media purchases shall
90 32 not exceed four percent of the authority's gross revenue for
90 33 the year.
90 34 Sec. 93. Section 135.150, Code 2009, is amended to read as
90 35 follows:
91 1 135.150 GAMBLING TREATMENT FUND == PROGRAM == STANDARDS
91 2 AND LICENSING.
91 3 1. ~~A gambling treatment fund is created in the state~~
91 4 ~~treasury under the control of the department. The fund~~
91 5 ~~consists of all moneys appropriated to the fund. However, if~~
91 6 ~~moneys appropriated to the fund in a fiscal year exceed six~~
91 7 ~~million dollars, the amount exceeding six million dollars~~
91 8 ~~shall be transferred to the rebuild Iowa infrastructure fund~~
91 9 ~~created in section 8.57. Moneys in the fund are appropriated~~
91 10 ~~to the department for the purposes described in this section.~~
91 11 2. 1. a. ~~Moneys appropriated to the department under~~
91 12 ~~this section shall be for the purpose of operating The~~
91 13 ~~department shall operate a gambling treatment program and~~
91 14 ~~shall be used for funding of administrative costs and to~~
91 15 ~~provide programs which may include, but are not limited to,~~
91 16 ~~outpatient and follow-up treatment for persons affected by~~
91 17 ~~problem gambling, rehabilitation and residential treatment~~
91 18 ~~programs, information and referral services, crisis call~~
91 19 ~~access, education and preventive services, and financial~~
91 20 ~~management and credit counseling services.~~
91 21 b. A person shall not maintain or conduct a gambling
91 22 treatment program funded ~~under this section through the~~
91 23 ~~department~~ unless the person has obtained a license for the
91 24 program from the department. The department shall adopt rules
91 25 to establish standards for the licensing and operation of
91 26 gambling treatment programs under this section. The rules
91 27 shall specify, but are not limited to specifying, the
91 28 qualifications for persons providing gambling treatment
91 29 services, standards for the organization and administration of
91 30 gambling treatment programs, and a mechanism to monitor
91 31 compliance with this section and the rules adopted under this
91 32 section.
91 33 3. ~~Notwithstanding section 12C.7, subsection 2, interest~~
91 34 ~~or earnings on moneys deposited in the gambling treatment fund~~
91 35 ~~shall be credited to the gambling treatment fund.~~
92 1 ~~Notwithstanding section 8.33, moneys credited to the gambling~~
92 2 ~~treatment fund shall not revert to the fund from which~~
92 3 ~~appropriated at the close of a fiscal year.~~
92 4 4. 2. The department shall report semiannually to the
92 5 legislative government oversight committees regarding the
92 6 operation of the gambling treatment fund and program. The
92 7 report shall include, but is not limited to, information on
92 8 ~~revenues and expenses related to the fund for the previous~~
92 9 ~~period, fund balances for the period, and the moneys expended~~
92 10 ~~and grants awarded for operation of the gambling treatment~~
92 11 ~~program.~~
92 12 Sec. 94. GAMBLING TREATMENT FUND BALANCE TRANSFERRED ==
92 13 EFFECTIVE DATE.
92 14 1. Moneys in the gambling treatment fund that remain
92 15 unencumbered or unobligated at the close of the fiscal year
92 16 beginning July 1, 2008, are transferred to the general fund of
92 17 the state.
92 18 2. This section of this Act, being deemed of immediate
92 19 importance, takes effect upon enactment.
92 20 DIVISION X
92 21 CHILD DEATH REVIEW TEAM
92 22 Sec. 95. Section 135.43, subsection 1, Code 2009, is

92 23 amended to read as follows:

92 24 1. An Iowa child death review team is established as ~~an~~
92 25 ~~independent agency of state government part of the office of~~
92 26 ~~the state medical examiner. The Iowa department of public~~
92 27 ~~health office of the state medical examiner shall provide~~
92 28 staffing and administrative support to the team.

92 29 Sec. 96. Section 135.43, subsection 2, unnumbered
92 30 paragraph 1, Code 2009, is amended to read as follows:

92 31 The membership of the review team is subject to the
92 32 provisions of sections 69.16 and 69.16A, relating to political
92 33 affiliation and gender balance. Review team members who are
92 34 not designated by another appointing authority shall be
92 35 appointed by the ~~director of public health state medical~~
93 1 ~~examiner~~. Membership terms shall be for three years. A
93 2 membership vacancy shall be filled in the same manner as the
93 3 original appointment. The review team shall elect a
93 4 chairperson and other officers as deemed necessary by the
93 5 review team. The review team shall meet upon the call of the
93 6 chairperson, upon the request of a state agency, or as
93 7 determined by the review team. The members of the team are
93 8 eligible for reimbursement of actual and necessary expenses
93 9 incurred in the performance of their official duties. The
93 10 review team shall include the following:

93 11 Sec. 97. Section 135.43, subsection 4, unnumbered
93 12 paragraph 1, Code 2009, is amended to read as follows:

93 13 The review team shall develop protocols for a child
93 14 fatality review committee, to be appointed by the ~~director~~
93 15 ~~state medical examiner~~ on an ad hoc basis, to immediately
93 16 review the child abuse assessments which involve the fatality
93 17 of a child under age eighteen. The ~~director state medical~~
93 18 ~~examiner~~ shall appoint a medical examiner, a pediatrician, and
93 19 a person involved with law enforcement to the committee.

93 20 Sec. 98. Section 135.43, subsections 7 and 8, Code 2009,
93 21 are amended to read as follows:

93 22 7. a. The ~~state medical examiner, the~~ Iowa department of
93 23 public health, and the department of human services shall
93 24 adopt rules providing for disclosure of information which is
93 25 confidential under chapter 22 or any other provision of state
93 26 law, to the review team for purposes of performing its child
93 27 death and child abuse review responsibilities.

93 28 b. A person in possession or control of medical,
93 29 investigative, assessment, or other information pertaining to
93 30 a child death and child abuse review shall allow the
93 31 inspection and reproduction of the information by the
93 32 ~~department office of the state medical examiner~~ upon the
93 33 request of the ~~department office~~, to be used only in the
93 34 administration and for the duties of the Iowa child death
93 35 review team. Except as provided for a report on a child
94 1 fatality by an ad hoc child fatality review committee under
94 2 subsection 4, information and records produced under this
94 3 section which are confidential under section 22.7 and chapter
94 4 235A, and information or records received from the
94 5 confidential records, remain confidential under this section.
94 6 A person does not incur legal liability by reason of releasing
94 7 information to the department as required under and in
94 8 compliance with this section.

94 9 8. Review team members and their agents are immune from
94 10 any liability, civil or criminal, which might otherwise be
94 11 incurred or imposed as a result of any act, omission,
94 12 proceeding, decision, or determination undertaken or
94 13 performed, or recommendation made as a review team member or
94 14 agent provided that the review team members or agents acted in
94 15 good faith and without malice in carrying out their official
94 16 duties in their official capacity. The ~~department state~~
94 17 ~~medical examiner~~ shall adopt rules pursuant to chapter 17A to
94 18 administer this subsection. A complainant bears the burden of
94 19 proof in establishing malice or lack of good faith in an
94 20 action brought against review team members involving the
94 21 performance of their duties and powers under this section.

94 22 Sec. 99. Section 691.6, Code 2009, is amended by adding
94 23 the following new subsection:

94 24 NEW SUBSECTION. 10. To provide staffing and support for
94 25 the child death review team and any child fatality review
94 26 committee under section 135.43.

94 27 Sec. 100. CHILD DEATH REVIEW TEAM RULES. The rules
94 28 adopted by the department of public health for purposes of the
94 29 child death review team under section 135.43 shall remain in
94 30 effect until replaced by rules adopted for purposes of that
94 31 section by the state medical examiner. Until replacement
94 32 rules are adopted, the office of the state medical examiner
94 33 shall fulfill the duties assigned to the department of public

94 34 health under the rules being replaced.

94 35 DIVISION XI

95 1 MISCELLANEOUS STATUTORY CHANGES

95 2 Sec. 101. Section 123.53, subsections 3 and 4, Code 2009,
95 3 are amended to read as follows:

95 4 3. ~~The treasurer of state shall transfer into a special~~
~~95 5 revenue account in the general fund of the state, a sum of~~
~~95 6 money at least equal to seven percent of the gross amount of~~
~~95 7 sales made by the division from the beer and liquor control~~
~~95 8 fund on a monthly basis but not less than nine million dollars~~
~~95 9 annually. Of the amounts transferred, two million dollars,~~
~~95 10 plus an additional amount determined by the general assembly,~~
~~95 11 shall be appropriated to the Iowa department of public health~~
~~95 12 for use by the staff who administer the comprehensive~~
~~95 13 substance abuse program under chapter 125 for substance abuse~~
~~95 14 treatment and prevention programs. Any amounts received in~~
~~95 15 excess of the amounts appropriated to the Iowa department of~~
~~95 16 public health for use by the staff who administer the~~
~~95 17 comprehensive substance abuse program under chapter 125 shall~~
~~95 18 be considered part of the general fund balance.~~

95 19 4. ~~The treasurer of state, after making the transfer~~
~~95 20 provided for in subsection 3, shall transfer to the division~~
95 21 from the beer and liquor control fund and before any other
95 22 transfer to the general fund, an amount sufficient to pay the
95 23 costs incurred by the division for collecting and properly
95 24 disposing of the liquor containers.

95 25 Sec. 102. Section 234.12A, subsection 1, Code 2009, is
95 26 amended to read as follows:

95 27 1. The department of human services shall maintain an
95 28 electronic benefits transfer program utilizing electronic
95 29 funds transfer systems for the food assistance program. The
95 30 electronic benefits transfer program implemented under this
95 31 section ~~shall at a minimum provide for all of the following:~~
95 32 a. ~~A retailer shall not be required require a retailer to~~
95 33 make cash disbursements or to provide, purchase, or upgrade
95 34 electronic funds transfer system equipment as a condition of
95 35 participation in the program.

96 1 b. ~~A retailer providing electronic funds transfer system~~
~~96 2 equipment for transactions pursuant to the program shall be~~
~~96 3 reimbursed seven cents for each approved transaction pursuant~~
~~96 4 to the program utilizing the retailer's equipment.~~

96 5 c. ~~A retailer that provides electronic funds transfer~~
~~96 6 system equipment for transactions pursuant to the program and~~
~~96 7 who makes cash disbursements pursuant to the program utilizing~~
~~96 8 the retailer's equipment shall be paid a fee of seven cents by~~
~~96 9 the department for each cash disbursement transaction by the~~
~~96 10 retailer.~~

96 11 Sec. 103. Section 237B.1, subsection 3, Code 2009, is
96 12 amended to read as follows:

96 13 3. In establishing the initial and subsequent standards,
96 14 the department of human services shall review other
96 15 certification and licensing standards applicable to the
96 16 centers. The standards established by the department shall be
96 17 broad facility standards for the protection of children's
96 18 safety. The department shall also apply criminal and abuse
96 19 registry background check requirements for the persons who
96 20 own, operate, staff, participate in, or otherwise have contact
96 21 with the children receiving services from a children's center.
96 22 The background check requirements shall be substantially
96 23 equivalent to those applied under chapter 237 for a child
96 24 foster care facility provider. The department of human
96 25 services shall not establish program standards or other
96 26 requirements under this section involving program development
96 27 or oversight of the programs provided to the children served
96 28 by children's centers.

96 29 EXPLANATION

96 30 This bill relates to and makes appropriations for health
96 31 and human services for fiscal year 2009=2010 to the department
96 32 of veterans affairs, the Iowa veterans home, the department of
96 33 elder affairs, the department of public health, Iowa finance
96 34 authority, state board of regents, department of inspections
96 35 and appeals, and the department of human services.

97 1 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
97 2 appropriates funding from the general fund of the state for
97 3 the department of elder affairs, the department of public
97 4 health, and the department of veterans affairs.

97 5 The division appropriates funding from the general fund of
97 6 the state and the federal temporary assistance for needy
97 7 families block grant to the department of human services. The
97 8 allocation for the family development and self-sufficiency
97 9 grant program is made directly to the department of human

97 10 rights.

97 11 The reimbursement section addresses reimbursement for
97 12 providers reimbursed by the department of human services.

97 13 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT
97 14 ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT,
97 15 AND PROPERTY TAX RELIEF FUND. This division makes
97 16 appropriations for fiscal year 2009=2010 from the senior
97 17 living trust fund to the department of elder affairs, the
97 18 department of human services, the department of inspections
97 19 and appeals, and the Iowa finance authority.

97 20 Nursing facility accountability measure and payment
97 21 language originally enacted in 2001 and amended in 2008 Iowa
97 22 Acts, chapter 1187, section 33, is amended to provide a
97 23 pay-for-performance methodology commencing July 1, 2009.

97 24 The division makes an appropriation from the pharmaceutical
97 25 settlement account to the department of human services to
97 26 supplement the medical contracts appropriation.

97 27 The division makes appropriations from the IowaCare account
97 28 to the state board of regents for distribution to the
97 29 university of Iowa hospitals and clinics and to the department
97 30 of human services for distribution to a publicly owned acute
97 31 care teaching hospital in a county with a population over
97 32 350,000 related to the IowaCare program and indigent care.

97 33 The division makes an appropriation to the department of human
97 34 services from the health care transformation account for
97 35 various health care reform initiatives. The division includes
98 1 a directive to the department of human services regarding
98 2 renewal of the IowaCare waiver.

98 3 The division provides that if the total amount appropriated
98 4 from all sources for the medical assistance program for fiscal
98 5 year 2009=2010 exceeds the amount needed, the excess remains
98 6 available to be used for the program in the succeeding fiscal
98 7 year.

98 8 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FISCAL YEAR
98 9 2009=2010. This division allocates and reduces the
98 10 appropriation made in 2008 Iowa Acts, chapter 1191, for mental
98 11 health, mental retardation, and developmental disabilities
98 12 (MH/MR/DD) services allowed growth factor adjustment funding
98 13 for fiscal year 2009=2010.

98 14 The co-chairpersons of the joint appropriations
98 15 subcommittee on human services are required to appoint a task
98 16 force of stakeholders to review MH/MR/DD funding and services
98 17 during the 2009 legislative interim.

98 18 During the FY 2009=2010 fiscal year, the mental health,
98 19 mental retardation, developmental disabilities, and brain
98 20 injury commission and the Iowa mental health planning council
98 21 established by the department of human services pursuant to
98 22 federal requirements for the community mental health services
98 23 block grant, or the officers of the bodies, are required to
98 24 meet at least quarterly to coordinate the efforts of the
98 25 bodies.

98 26 HEALTH CARE TRUST FUND. This division includes provisions
98 27 relating to health care and makes appropriations from the
98 28 health care trust fund.

98 29 Appropriations are made from the health care trust fund to
98 30 the department of public health for addictive disorders,
98 31 healthy children and families, chronic conditions, and
98 32 community capacity.

98 33 Funds are appropriated from the health care trust fund to
98 34 the department of human services for medical assistance.

98 35 The amount of the standing appropriation of tobacco product
99 1 related proceeds in Code section 453A.35 that is annually
99 2 transferred from the general fund of the state to the health
99 3 care trust fund is reduced to reflect the governor's 2008
99 4 uniform appropriation reduction and other reductions.

99 5 IOWACARE. This division relates to the appropriations made
99 6 for and county property tax levies relating to the IowaCare
99 7 program for FY 2008=2009. The division increases from a total
99 8 of \$34 million to a total of \$38 million the amount of the
99 9 Polk county hospital levy being distributed to the treasurer
99 10 of state for deposit in the IowaCare account. The division
99 11 only affects the second portion of the levy proceeds for the
99 12 period beginning January 1, 2009, and ending June 30, 2009.

99 13 The first portion collected \$17 million and the second portion
99 14 collected under the bill is \$21 million, thereby providing for
99 15 the annual total amount of \$38 million. The division, in
99 16 turn, provides for an increase in the amount of funds
99 17 distributed to Broadlawns Medical Center from the IowaCare
99 18 account from \$40 million to \$46 million, with any amount over
99 19 \$41 million only being allocated if federal funds are
99 20 available to match the amount. This division takes effect

99 21 upon enactment and is retroactively applicable to July 1,
99 22 2008.

99 23 APPROPRIATION=RELATED CHANGES. This division provides
99 24 appropriation=related changes and takes effect upon enactment.

99 25 2008 Iowa Acts, chapter 1187, is amended to provide for FY
99 26 2008=2009 appropriations made for various types of addictive
99 27 disorders from the general fund, the gambling treatment fund,
99 28 and health care trust fund, to remain available to be used for
99 29 addictive disorders in the succeeding fiscal year. This
99 30 authorization is limited to \$1 million in accordance with a
99 31 specified priority order.

99 32 2008 Iowa Acts, chapter 1187, section 4, making the annual
99 33 appropriation and relating to employee positions authorized
99 34 for the Iowa veterans home, is amended by removing the
99 35 limitation on the number of full-time equivalent positions in
100 1 the appropriation to the home for FY 2008=2009.

100 2 2008 Iowa Acts, chapter 1187, section 9 providing an
100 3 appropriation from the general fund for FY 2008=2009 for
100 4 medical assistance, is amended by reducing the total amount of
100 5 the appropriation.

100 6 2008 Iowa Acts, chapter 1187, section 9, relating to an
100 7 allocation of certain moneys for implementation of an
100 8 emergency mental health crisis services system and a mental
100 9 health services system for children and youth, is amended to
100 10 allow the allocations to remain available for those purposes
100 11 until the close of FY 2010=2011. In addition, the department
100 12 of human services is required to revise the project provisions
100 13 to be available for at least 24 months.

100 14 2008 Iowa Acts, chapter 1187, section 12, providing an
100 15 appropriation from the general fund for FY 2008=2009 for state
100 16 supplementary assistance, is amended to allow the
100 17 appropriation to remain available to be used for that purpose
100 18 in the succeeding fiscal year.

100 19 2008 Iowa Acts, chapter 1187, section 32, relating to the
100 20 total maximum state funding amount for the nursing facility
100 21 budget, is amended by reducing the maximum amount.

100 22 2008 Iowa Acts, chapter 1187, section 39, relating to an
100 23 appropriation to the department of elder affairs from the
100 24 senior living trust fund for FY 2008=2009, is amended to allow
100 25 a portion to remain available in succeeding fiscal years to
100 26 match federal funding for the senior nutrition programs.

100 27 2008 Iowa Acts, chapter 1187, section 50, relating to
100 28 appropriations made from various funds for FY 2008=2009 for
100 29 the medical assistance program by providing for transfer of
100 30 unused funds to the senior living trust fund, is amended to
100 31 provide for the funds to instead remain available to be used
100 32 for the medical assistance program in the succeeding fiscal
100 33 year.

100 34 An amendment of prior session law made in 2008 Iowa Acts,
100 35 chapter 1187, section 68, providing for an appropriation made
101 1 for the Vietnam veterans bonus fund to remain available until
101 2 the close of FY 2008=2009, is further amended for the
101 3 appropriation to remain available for an additional fiscal
101 4 year.

101 5 An amendment of prior session law made in 2008 Iowa Acts,
101 6 chapter 1187, section 69, providing for an appropriation made
101 7 for the injured veterans grant program, to remain available
101 8 until the close of FY 2008=2009, is further amended for the
101 9 appropriation to remain available for an additional fiscal
101 10 year.

101 11 2008 Iowa Acts, chapter 1188, section 16, providing
101 12 appropriations over a three-year period for health coverage of
101 13 children under the medical assistance and hawk=i programs, is
101 14 amended to reduce the FY 2008=2009 appropriation by
101 15 approximately \$10.6 million.

101 16 HEPATITIS AWARENESS. This division combines two existing
101 17 programs, the viral hepatitis program and the hepatitis
101 18 awareness program for veterans in Code sections 135.19 and
101 19 135.20. The program specifically for veterans is incorporated
101 20 into the Code section 135.19 program by including the input of
101 21 the Iowa department of veterans affairs.

101 22 SENIOR LIVING COORDINATING UNIT. This division eliminates
101 23 the senior living coordinating unit and places its duties
101 24 under the purview of the commission of elder affairs.

101 25 GAMBLING TREATMENT FUND ELIMINATION. This division
101 26 eliminates the gambling treatment fund and the percentage of
101 27 gambling revenues designated for the fund. These revenues
101 28 will instead be credited to the general fund of the state.

101 29 A transition section provides for the unobligated revenues
101 30 remaining in the gambling treatment fund at the close of FY
101 31 2008=2009 to be transferred to the general fund of the state.

101 32 This section takes effect upon enactment.
101 33 CHILD DEATH REVIEW TEAM. This division shifts the staffing
101 34 responsibility for the child death review team under Code
101 35 section 135.43, from the department of public health to the
102 1 office of the state medical examiner.
102 2 MISCELLANEOUS STATUTORY CHANGES. This division amends
102 3 various Code provisions.
102 4 Code section 123.53, relating to the proceeds from the sale
102 5 of alcoholic beverages, is amended to eliminate language
102 6 providing for at least \$2 million to be appropriated for
102 7 substance abuse treatment. Typically, the annual
102 8 appropriations legislation superseded the language being
102 9 eliminated.
102 10 Code section 234.12A relating to the electronic benefits
102 11 transfer program for the food assistance program, is amended
102 12 to eliminate fees paid to retailers for certain transactions.
102 13 Code section 237B.1, relating to regulation of children's
102 14 centers by the department of human services, is amended to
102 15 require the licensing standards to apply criminal and abuse
102 16 registry check requirements that are substantially equivalent
102 17 to those applied to child foster care facility providers.
102 18 LSB 1004JB 83
102 19 pf/jp/14